



CHARTER

OF THE

St. Louis, Alton & Terre Haute

RAILROAD COMPANY,

TERRE HAUTE & ALTON RAILROAD COMPANY,

BELLEVILLE & ILLINOISTOWN RAILROAD COMPANY,

WITH THE SEVERAL AMENDMENTS THERETO,

AND THE

GENERAL RAILROAD LAW

OF THE

STATE OF ILLINOIS.

ST. LOUIS:

R. P. STUDLEY AND CO., PRINTERS, BINDERS AND LITHOGRAPHERS, S. W. COR. MAIN AND OLIVE STS.

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SPECIAL CHARTER—ILLINOIS.

AN ACT

To Incorporate the Terre Haute and Alton Railroad Company.

SECTION 1. *Be it enacted by the people of the State of Illinois,* ^{Incorporation.} *represented in the General Assembly, That Robert Smith, Cyrus Edwards, Simeon Ryder, Samuel Wade, Thomas G. Hawley, Robert Ferguson, Philander C. Huggins, John S. Hayward, Joseph T. Eccles, George Burnap, Thomas Phillips, Thomas A. Gray, William Wood, William F. Thornton, Joseph L. Dexter, John D. Bruster, Joseph Oliver, John Ward, John Small, Byrd Munroe, Hezekiah J. Ashmore, John M. Eastin, James Cunningham, Ebenezer Noyes, Isaac Sanford, Richard B. Sutherland, Alanson Baldwin, George Redman, and all other persons who have or may become stockholders in the capital stock of the corporation hereinafter mentioned, in conformity with the provisions of "An act to provide for a general system of railroad incorporations," enacted by the General Assembly of the State of Illinois, and approved November 5th, 1849, and to the provisions of this act, they and their associates, successors and assigns, shall be and are hereby created a body politic and corporate, by the name of "THE TERRE HAUTE AND ALTON* ^{Name.} *RAILROAD COMPANY;" and by that name they and their successors and assigns shall and may continue for the term of fifty years, from and after the passage of this act; and are hereby authorized and empowered to construct and complete, and during its existence, to maintain and continue a railroad, with a single or double track, and with all such appendages as may be necessary for the convenient use of the same, commencing at a point on the State line, between the States of Indiana and Illinois, in a direction from Terre Haute, Indiana; thence to Paris, in Edgar county; thence to Charleston, in Coles county; thence to Shelbyville, in Shelby county; thence to Hillsboro, in Montgomery county; thence to Bunkerhill, in* ^{Authority to construct road.}

Macoupin county; and thence to Alton, on the Mississippi river, in the State of Illinois.

Capital
stock.*

SEC. 2. The capital stock in said company shall consist of two millions of dollars, to be divided into shares of fifty dollars each, as fixed in the articles of association, formed and adopted at a convention of the stockholders of said company, held at Paris, in Edgar county, in the State of Illinois, on the 3d day of June, A. D. 1850, and filed with the Secretary of State, on the 15th day of January, A. D. 1851.

To open
books.

SEC. 3. The corporation shall cause books to be opened for subscription to the capital stock, at such times and places as they may choose, and shall give at least thirty days notice thereof, by publication in a newspaper published in the town or city where said books may be opened; and if there be no newspaper published therein, then in the nearest newspaper thereto.

Subscrip-
tions.

SEC. 4. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, or agent of any State, or of the United States, duly authorized in behalf of the same, to subscribe to any amount of capital stock: *Provided*, That the directors of said corporation may, at their discretion, limit the amount of stock that any person, corporation or any agent may subscribe in their own name, or in the name of any other person.

Payments
on subscrib-
ing.

SEC. 5. The corporation may require each subscriber to pay an amount at the time of subscribing, not exceeding five dollars on each share, as shall be thought proper: *Provided*, That due notice shall be given thereof, before the opening of the books as aforesaid.

Thirteen di-
rectors to be
elected.

SEC. 6. As soon as five hundred thousand dollars of the capital stock is subscribed, and the fixed amount paid on each share, it shall be the duty of the directors named in the articles of association, before referred to, to call a meeting of the stockholders for the election of thirteen directors, who shall be stockholders to the amount of at least twenty shares; and the said directors shall give thirty days' notice of the time and place of said meeting, by publication in at least two newspapers published on said line of road; and the said election shall be conducted by two judges, appointed by the stockholders present; and the persons having a plurality of votes, shall be declared duly elected. In all elections the holding

* Increased by section 3 of act of 12th February, 1853, to \$4,000,000; (page 9;) also, may be increased to any amount deemed necessary. See act of 12th February, 1855, (page 62.)

of one share shall entitle the person to one vote; and votes may be given by the person owning the same, or by one of several partners, or by the husband, father, mother, executor, administrator, guardian or trustee, or by the authorized agent of any corporation, State, or of the United States, or any person having a right to vote, may vote by written proxy.

SEC. 7. Whenever the aforesaid sum of five hundred thousand dollars is subscribed as aforesaid, the said corporation may commence, construct and complete the aforesaid railroad. May commence when \$500,000 is subscribed.

SEC. 8. All elections after the first, in relation to the officers of this corporation, shall be held on the first Monday of June annually, under the direction of three stockholders, not directors at the time, to be appointed by an order of the board of directors, at a previous meeting: *Provided*, That said directors may cause elections to be held on any other day, should there be no election at the time fixed in this section. Election, first Monday of June.

SEC. 9. The directors provided for shall continue in office for one year, and until their successors are elected and qualified, and a majority shall form a quorum for the transaction of business. Directors continue until successors are elected.

SEC. 10. The said corporation is hereby authorized, by and with the consent of the State of Indiana, to extend said railroad to Terre Haute, Indiana, or to form a connection with any company that may be formed for that purpose, by the authority of the State of Indiana. Authority to extend road to Terre Haute.

SEC. 11. The said company is hereby authorized to borrow money; and for that purpose may issue bonds, to bear an interest not exceeding eight per cent. per annum, to aid in the construction of said railroad; but the payment of said bonds shall be secured by said road and its appendages, and the franchises and property of said corporation; and all sales of bonds for a less amount than par value, shall be good and valid, and as binding upon said corporation as if the same were sold for their full value: *Provided*, that nothing in this act shall be so construed as to confer upon said company banking privileges. May borrow money on bonds bearing eight per cent. interest, and sell them at a discount.

SEC. 12. This act shall take effect and be in force from and after its passage, and shall be taken and deemed to be a special act.

SIDNEY BREESE,

Speaker of the House of Representatives.

WILLIAM M'MURTRY,

Speaker of the Senate.

APPROVED January 28, 1851.

A. C. FRENCH.

UNITED STATES OF AMERICA, }
 STATE OF ILLINOIS. } ss.

I, DAVID L. GREGG, Secretary of State, do hereby certify, that the foregoing is a true copy of the *enrolled law*, now on file in my office.

In testimony whereof, I have hereunto set my hand and the great seal of State, at the city of Springfield, this 28th day of January, A. [L. s.] D., 1851, and of the Independence of the United States, the seventy-fifth.

DAVID L. GREGG, *Secretary of State.*

SPECIAL CHARTER—INDIANA.

AN ACT

To Extend the Terre Haute and Alton Railroad.

Authority to
 extend road
 from State
 line of Illi-
 nois to Terre
 Haute.
 SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the TERRE HAUTE AND ALTON RAILROAD COMPANY, as chartered by the Legislature of the State of Illinois, and approved of January 28th, 1851, and by and under *an act to provide for a general system of railroad incorporations* in said State, in force November 6th, 1849, be permitted to extend their said railroad from the eastern line of the State of Illinois, through the State of Indiana, to the city of Terre Haute, and into the same; and that said corporation shall have all the rights, powers and privileges, in taking land, and doing all things necessary to carry on and maintain their railroad perpetually, as granted to said corporation by the above acts, by the Legislature of the State of Illinois.

May build a
 bridge over
 the Wabash
 river.
 SEC. 2. Said company shall have power, and it is hereby authorized to construct a bridge across the Wabash river, at or near Terre Haute, of sufficient strength and capacity for the crossing of the same of all engines, locomotives, cars and machinery of said company, used or to be used on said road; but in the construction thereof said company shall make a good and convenient draw therein, for the passage of all steamboats, of not less than sixty feet in width, in the channel of the river, and shall cause the same to

be opened for the passage of all steamboats, at the proper cost and expense of said company : *Provided always*, said company shall be liable for damages to any steamboat or other water craft navigating said river, for any unnecessary detention or damages occasioned by the improper construction or management of said draw ; and said company shall and may erect a sufficient number of piles in said river for the support of said bridge : *Provided*, said bridge shall be of sufficient height, and the piles apart of sufficient width for the passage of all flatboats : *And further provided*, That the said company suffer and permit the TERRE HAUTE AND RICHMOND RAILROAD COMPANY, and any other railroad company, to cross upon the said bridge with their cars, locomotives and trains, and use the same in the same manner that the ALTON AND TERRE HAUTE RAILROAD COMPANY may do : *Provided*, The said TERRE HAUTE AND RICHMOND RAILROAD COMPANY, or other railroad company, shall, before they, or either of them, have the use of said bridge, pay to the owners thereof the just and equal proportion of the cost of said bridge, so that the parties shall be equal proprietors thereof ; and the parties, owners of said bridge, shall be at the equal expense in the maintaining of said bridge, and keeping the same in repair.

Shall allow
other roads
to use such
bridge.

Upon com-
pensation.

SEC. 3. This act shall be in force from and after its passage.

EBENEZER DUMONT,

Speaker of the House of Representatives.

J. H. LANE,

President of the Senate.

APPROVED February 11, 1851.

JOSEPH A. WRIGHT.

STATE OF INDIANA, TO-WIT :

I, CHARLES H. TEST, Secretary of State for the State of Indiana, do hereby certify, the foregoing to be a true, full and complete copy of the above recited act, as appears from the enrollment on file in my office.

In witness whereof, I have hereunto set my hand, and affixed the seal [L. s.] of the State, at Indianapolis, this 11th day of February, A. D. 1851.

CHARLES H. TEST, *Secretary of State.*

EXTRACT

From the "Act incorporating the Ohio and Mississippi Railroad Company, and for other purposes," VIRTUALLY REPEALING SO MUCH OF THE FOURTEENTH SECTION OF THE GENERAL RAILROAD LAW as makes the stockholders in the "Terre Haute and Alton Railroad Company" individually liable to the creditors of said Company.

SECTION 18. All the stockholders of said company shall be severally individually liable to the creditors of said company, to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by said company, until the whole amount of capital stock fixed and limited by said company, or by this act, shall have been paid in; and shall be jointly and severally liable for all debts that may be due and owing to any and all of their laborers, servants and apprentices, for services performed for said company; but shall not be liable to an action therefor, before an execution shall be returned unsatisfied, in whole or in part, against said company, and then the amount due on said execution shall be the amount recoverable, with costs, against said stockholders: *Provided*, That none of the provisions of this section shall be applicable to the company hereby incorporated, or to the Terre Haute and Alton Railroad Company, incorporated at the present session of the General Assembly, until the same provisions shall be applied to the Central Railroad Company and branches, and the Rock Island, La Salle and Chicago Railroad Company.

APPROVED February 12, 1851.

AN ACT

To amend an act entitled "An act to incorporate the Terre Haute and Alton Railroad Company."

Cedes to the
company cer-
tain rights of
the State.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in General Assembly*, That all rights belonging to the State, in any roads heretofore constructed, or partly constructed, under the general internal improvement system, upon the line of said company, are hereby granted to and vested in said company.

SEC. 2. The certificate of the secretary of said company, under the corporate seal thereof, shall be received in all courts of justice and elsewhere, as evidence of the regular organization of said company, under its charter, and of any act or order of the board of directors of said company. And all the acts and doings of said company, in the organization thereof, are hereby declared to be good and valid. And the rights, privileges and franchises of said company, as granted, are hereby declared to be in full force and effect.

Certificate of the secretary, under seal, to be received as evidence.

SEC. 3. The capital stock of said company may be increased from time to time, by order of its board of directors, to such an amount as may be necessary to complete their road, not to exceed four millions of dollars. And the subscription to the increased capital stock may be made from time to time, on such terms as may be ordered by the board of directors of said company.

Prior proceedings of the company valid: its privileges and franchises confirmed. Capital stock, \$400,000,000.

SEC. 4. The board of directors of said company, or a majority of the same, are hereby authorized to fill any vacancy that may occur or has occurred in their body, occasioned by death, resignation or otherwise.

Directors may fill vacancy in board.

SEC. 5. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

JOHN REYNOLDS,

Speaker of the House of Representatives.

G. KOERNER,

Speaker of the Senate.

APPROVED February 12, 1853.

J. A. MATTESON.

AN ACT

To amend the Act entitled "An Act to Incorporate the Terre Haute and Alton Railroad Company."

SECTION 1. *Be it enacted by the people of the State of Illinois,* May constructed a branch from Paris to east line of the State.
represented in the General Assembly, That the Terre Haute and Alton Railroad Company be and are hereby authorized to construct a branch of their railroad from Paris, in the county of Edgar, in an easterly or northerly direction, to such point on the eastern line of

the State as may be deemed advisable by said company, and to form a connection with any railroad company in the State of Indiana; and, for the purpose of constructing said branch, may issue stock or bonds of said company, or of said branch, to such an amount as said company shall deem advisable, and may secure said bonds by mortgage upon said branch road, and may consolidate said branch road with any such company in the State of Indiana with which it may connect, on such terms as may be agreed upon between the parties.

And may issue stock or bonds to such amount as may be necessary.

And may consolidate with road in Indiana.

Power to take stock in, or loan its credit to, other companies.

SEC. 2. Said company shall have power to take and hold stock in, or loan its credit to, any railroad company within the State, whose road may connect directly or by connecting lines with said Terre Haute and Alton Railroad Company.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED February 28th, 1854.

EXTRACT

From an Act to change the Name and to amend the Charter of the Chicago and Mississippi Railroad Company, and to authorize said Company, and the Belleville and Illinoistown Railroad Company, and the Terre Haute and Alton Railroad Company, to make contracts and running arrangements with each other, or to lease or buy the road of the said Belleville and Illinoistown Railroad Company.

Authority to connect with other roads.

SECTION 2. The said company shall have power, and are hereby authorized to extend their road from its present terminus, in the city of Alton, to the present terminus of the Terre Haute and Alton Railroad in said city, and to unite with the road of said last mentioned company, and to contract with and use the road of said Terre Haute and Alton Railroad Company, from such point of union to the intersection of said last mentioned road, with the road of the Belleville and Illinoistown Railroad Company, near Wood river, in Madison county, upon such terms and conditions as shall mutually be agreed upon by the said Terre Haute and Alton Railroad Company and the said Chicago, Alton and St. Louis Railroad Company;

or in case said company shall not agree, then upon such terms as shall be fixed by disinterested persons, skilled and experienced in the management of railroads, one to be named by each company, and the two, in case of disagreement, to choose a third, whose decision shall be final, but neither company shall select a person objectionable to the other; before said last mentioned extension shall be allowed, the said Chicago, Alton and St. Louis Railroad Company, and the Terre Haute and Alton Railroad Company, shall locate and establish a general union depot in said city of Alton, and keep and maintain the same.

In case the said Terre Haute and Alton Railroad Company shall not, within sixty days after being requested so to do, by the said Chicago, Alton and St. Louis Railroad Company, execute and deliver to said last mentioned company their consent in writing to the terms of this act, and also a contract authorizing them to use that part of the road of the said Terre Haute and Alton Railroad Company between its present terminus, in Alton, and the said intersection with the Belleville and Illinoistown Railroad, upon the terms contemplated by this act, then the said Chicago, Alton and St. Louis Railroad Company shall have the power, and are hereby authorized to extend their said road and unite with the road of the said Belleville and Illinoistown Railroad Company, at or near Wood river, and at the most convenient point, not exceeding four miles from the city of Alton. The said Belleville and Illinoistown Railroad Company are hereby authorized to make running arrangements and contracts with the said Chicago, Alton and St. Louis Railroad Company, and the Terre Haute and Alton Railroad Company, or either of them, and also to lease or sell to said last mentioned companies, or either of them, the whole or any part of their road; and the said last mentioned companies, or either of them, are authorized to make such contracts, lease or purchase of said Belleville and Illinoistown Railroad; but no such contract, lease or sale shall affect any contract heretofore made by either of said companies with the other.

Authority to
lease or buy
the Belle-
ville and
Illinoistown
Railroad.

SEC. 3. The said Belleville and Illinoistown Railroad Company shall have the right, and are hereby authorized to contract with and use the road of the said Terre Haute and Alton Railroad Company from the intersection of said roads, near Wood river, to the junction of the said Terre Haute and Alton Railroad Company with the road

of the Chicago, Alton and St. Louis Railroad Company, in Alton, and also to contract with and use the extension of the road of the Chicago, Alton and St. Louis Railroad Company, from Alton to or near Wood river, or any part of the said extension, if the same shall be built as provided in the last section, upon such terms and conditions as shall mutually be agreed upon by said companies, respectively, or in case said company shall not agree, then upon such terms and conditions as shall be fixed by disinterested persons, skilled and experienced in the management of railroads, one to be named by each company, and the two, in case of disagreement, to select a third, whose decision shall be final; but neither company shall select a person objectionable to the other.

This act shall take effect and be in force from and after its passage.

THOS. J. TURNER,

Speaker of the House of Representatives.

G. KOERNER,

Speaker of the Senate.

APPROVED February 14, 1855.

J. A. MATTESON.

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS.

I, ALEXANDER STARNE, Secretary of State for the State of Illinois, do hereby certify, that the foregoing is a true and correct copy of an enrolled law now on file in my office.

In testimony whereof, I have hereunto set my hand, and affixed the [L. s.] seal of State, this 15th day of February, A. D. 1855.

ALEXANDER STARNE, *Secretary of State.*

CHARTER

OF THE

BELLEVILLE & ILLINOISTOWN RAILROAD COMPANY.

AN ACT

To Incorporate the Belleville and Illinoistown Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois* Corporation.
represented in the General Assembly: That Samuel B. Chandler, Edward Tittman, Jacob Knæbel, Frederick Von Schrader, Asbury Harrison, Russell Hinckley, Edward Abend, Charles Chouteau, Robert Christie, Jr., James H. Lucas, Narcisse Pensoneau, John Winter, Alexander Kayser, Philip B. Fouke, James W. Hughes, Samuel Stookey, James Mitchell, Joseph Kirkpatrick, James L. D. Morrison, Frederick Kempff, William H. Snyder, William W. Roman, and such other persons as they associate with them for that purpose, are hereby made and constituted a body corporate and politic by the name and style of the "BELLEVILLE AND ILLINOIS-Town Railroad Company," with perpetual succession, and by that name and style shall be capable in law of taking, holding, purchasing, leasing, selling and conveying estate and property, real, personal and mixed, so far as the same may be necessary for the purpose hereinafter mentioned and no further; and in their corporate name may sue and be sued, to have a common seal, which they may alter or renew at pleasure, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes or objects of this act, as the same are herein set forth.

SEC. 2. The Belleville and Illinoistown Railroad Company shall have full power and authority to locate, and from time to time, to alter, change, re-locate, construct, re-construct, and fully to finish, perfect, and maintain a railroad with one or more tracks, commencing at Belleville, in the county of St. Clair, and running from thence

General
powers.

Power to
construct
and operate
road.

Right of
way.

upon a route, to be by said company selected, to Illinoistown, and to take, transport, and carry property and persons upon said railroad, by power or force of steam, or of animals, or of any other power or other combination of them which said company may choose to use or apply, and for the purpose of constructing said railroad or way, said company shall have power and authority to lay out, designate, and establish their said road, in width not exceeding one hundred and fifty feet, through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor such amount of damages as shall have been settled by appraisal in the manner hereinafter provided, on all such lands so designated for the line and construction of said road, and all such lands as may be taken, or upon any track which may be located by said company, and for the purpose of embankments, cuttings, obtaining of stone, gravel and sand, may take and appropriate as much more land as may be necessary for the proper construction, maintenance, and security of said road, and for constructing shops, depots, and other suitable, proper and convenient fixtures in connection with and appurtenance to said railroad, may take and have, use and occupy any lands upon either side of said railroad not exceeding two hundred feet in depth from said railroad, said company taking all such lands by gift, purchase or condemnation, and making satisfaction for the same as hereinafter provided :

Provided, That this section shall not be construed to restrict or prevent the construction of public roads or railroads across the road of said company when deemed expedient, but not so as to materially impair or obstruct the same.

Proviso.

Entry upon
public and
private
lands.

Sec. 3. The said company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of, or belonging to the State or to any person or persons, body politic or corporate, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for the making of said railroad with one or more sets of tracks or rails, and for all the purposes connected with said railroad for which said corporation, by the last preceding section, is authorized to have, take, and appropriate any land, and to fell and cut down all timber and other trees standing or being within one hun-

dred feet on each side of said line of said railroad, the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for lands taken for the use of said railroad company; also from time to time to alter, repair, amend, widen, or enlarge the same, or any of the conveniences above named, as well for carrying goods, commodities, timber or other things to and upon the said railroad, as for conveying all manner of materials necessary for the making, erecting, furnishing, altering, repairing, amending or enlarging the works of or connected with the said road, and to contract and agree with the owner or owners thereof for earth, timber, gravel, stone, or other material, or any article whatever which may be wanted in the construction and repair of said road or any of its appurtenances—the said company doing as little damages as possible in the execution of said power hereby granted, and making satisfaction in the manner hereinafter mentioned for all damages to be sustained by the owners or occupiers of said land.

SEC. 4. The said company shall have power to take, receive and hold all such voluntary grants and donations of land and real estate for the purpose of said road as may or shall be made to said company to aid in the construction, maintenance and accommodation of said road, and said company may contract and agree with the owners or occupiers of any land upon which said company may wish to construct said road or way, or which said company may wish to use or occupy for the purpose of procuring stone, sand, gravel or earth, or other materials to be used in embankments or otherwise, in or about the construction, repairs or enjoyment of said road, or which said company may wish to use or occupy in any manner, or for any purpose or purposes connected with said road which said company is authorized or empowered by this act to have or appropriate any lands, and to take and receive grants and conveyances of any and all interest and estates therein and to them and their successors or assigns in fee or otherwise, and in case said company cannot agree with such owner or owners or occupiers of such land as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary act or deed of such owners or occupiers, then the price and value of such lands may be fixed, estimated and recovered in the manner provided for taking lands for the

construction of public roads, canals, or other public works, as prescribed by the act relating to the public right of way, approved March 3d, 1845. But when the owners or occupiers, or either of them of such lands, shall be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the said lands or property wanted may lie or be situated, the said company shall pay the amount that shall be awarded as due to the last mentioned owners respectively, whenever the same shall be lawfully demanded; that to ascertain the amount to be paid as above to the said owners or occupiers for lands and materials taken for the use of said corporation, it shall be the duty of the Governor of the State, upon notice given to him by the said corporation, to appoint three commissioners, to be persons not interested in the matter to be determined by them, to determine the amount of damages which the owners or occupiers of the land or real estate, so entered upon by the said corporation, has or have sustained by the occupation of the same; and it shall be the duty of the said commissioners, or a majority of them, to deliver to said corporation a written statement of the award or awards they shall make, with a description of the land or other real estate appraised, to be recorded by the said corporation in the circuit clerk's office of St. Clair county, and then the said corporation shall be deemed to be seized and entitled to the fee simple of all such lands and real estate, and shall exercise over the same all the rights, privileges, franchises and immunities in said act contemplated; *Provided*, that notice by publication in some newspaper in St. Clair county shall be first given for thirty days to the owners or occupiers, or unknown owners as the case may be, of the intention, on the part of the said corporation, to apply to the Governor for the appointment of commissioners as herein provided; *And provided further*, that any appeal which may be allowed under the provisions of the act above mentioned, or of any general law of this State, shall not affect the possession by said company of any of the lands appraised or taken under this act, and when the appeal may be taken, or writ of error prosecuted by any person or persons other than the said company, the same shall not be allowed, except on the stipulation of the party so appealing or prosecuting such writ of error; that the said company may enter upon and use the land described in the petition or required by the said company for the uses and purposes of the said road, upon said company giving bond and security to be

Proviso.

Further proviso.

approved by the clerk of the circuit court of the county of St. Clair, that they will pay to the party appealing or prosecuting such writ of error all costs and damages that may be awarded against them on the final hearing of such appeal or writ of error, within thirty days after the rendition of the same, or forfeit all right to use the land on the way so condemned.

SEC. 5. The capital stock of said company, shall be one hundred thousand dollars, which may be increased from time to time, by a vote of a majority in interest of the stockholders at their annual meeting, or at any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding the entire amount expended on account of said road, which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property and which may be issued, certified and registered and transferred, in such manner, and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner and at the time, and in such sums as they may direct, and on the refusal or neglect on the part of stockholders or any of them, to make payment on requisition of the board of directors, the shares of such delinquents may, after thirty days public notice, be sold at auction, under such rules as the directors may adopt; the surplus money, if any remains after deducting the payment due with the interest and necessary cost of sale, to be paid to the delinquent stockholder. The board of directors, herein named and appointed, shall cause books to be opened for subscription to the capital stock of said company at such times and places and in such manner as they shall direct; *Provided*, That as soon as fifty thousand dollars of *bona fide* subscription to said capital stock shall be made and five per cent. thereon paid in, it shall be lawful for said company to commence the construction of said road.

SEC. 6. All the corporate powers of said company shall be vested in, and exercised by a board of directors, to consist of not less than seven nor more than seventeen in number, and such other officers, agents and servants, as they shall appoint. The first board of directors shall consist of George Bressler, Asbury Harrison, Russell Hinckley, Frederick Von Schrader, Samuel B. Chandler, Edward Tittman, Joseph Kirkpatrick, James Mitchell, Charles Chouteau, Alexander Kayser, Jacob Knöbel, Edward Abend, Conrad Bornman, Francis

Stoltz, and James L. D. Morrison, who shall hold their offices until their successors are elected and qualified. Vacancies in the board may be filled by vote of two-thirds of the directors remaining, such appointees to continue in office until the next regular annual election of directors is held; and which said annual election of directors shall be held on the first Monday in June in each year, at the office of the company, thirty days notice being given in a newspaper published at Belleville and St. Louis.

Votes.

SEC. 7. At any election held for the election of directors, each share of stock shall be entitled to one vote to be given either in person or by proxy, and the persons receiving the largest number of votes to be declared duly elected, and to hold their office until the next annual election, and until their successors in office are elected and qualified. All elections to be conducted by three judges to be selected by the stockholders present.

Officers of
company.

SEC. 8. The office of said company shall be located in the city of Belleville, and the directors herein named are required to organize the board by electing one of their number president, and by appointing a secretary and treasurer.

Equipments
of road.

SEC. 9. Said company shall have power to purchase with the funds of the company, and contract for and place on the railroad hereby authorized to be constructed, all machines, wagons, carriages and vehicles, of any description which they may deem necessary and proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation and rates of fare, such sums as shall be lawfully established by the by-laws of said company: not to exceed, however, on the article of bituminous coal thirty-five cents a ton from Belleville to Illinois town.

Tolls.

Locomotive
and cars.

SEC. 10. The said company hereby chartered shall be required to keep and use a sufficient number of locomotives, passenger and freight cars and the other conveniences properly pertaining to a railroad, to carry and transport all the passengers and freight requiring transportation upon the said road, and shall transport the same, and shall have the power to make, ordain and establish all such by-laws, rules and regulations, as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, for the well ordering and securing the affairs, business and interest of said company not incompatible with the constitution and laws of this State.

SEC. 11. The said board of directors shall have power to regulate ^{Regulations.} the manner of transportation of persons and property, the width of the track, the construction of wheels, the form and size of cars, the weight of loads; and all other matters and things respecting the use of said road, and the conveyance and transportation of persons and property thereon.

SEC. 12. Whenever it shall be necessary for the construction of ^{Intersec-} said railroad to intersect or cross a track of any other railroad, or ^{tions.} any stream of water or water course, or road or highway, lying on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway thus obstructed or crossed, to its former state or in a sufficient manner not materially to impair its usefulness.

SEC. 13. The said company shall annually, or semi-annually, ^{Dividends.} make such dividends as they may deem proper of the net profits, receipts, or incomes of said company, among the stockholders therein, in proper proportion to their respective shares.

SEC. 14. The said company shall have power and are hereby ^{Real estate.} authorized to receive, take hold, and again alienate any amount of lands, not to exceed twelve hundred acres at any one time, and to mine and work the coal beds therein, and to transport the coal mined therefrom, and to this end may contract with any other railroad company for the lease or purchase of their tracks, rights, ways, privileges, franchises, coal fields, engines, machinery, lands, and other property, paying therefor money, bonds, or stock in the said railroad company hereby chartered, and may make, have, use and maintain any and all branch roads by the said company deemed necessary in transacting their business; condemning all lands and ways therefor as herein is above provided. The said company is also empowered to lease or purchase of the county of St. Clair all the ferry right and franchises which said county now has for a ferry across the Mississippi river, opposite St. Louis, or such an interest therein as the said county may, by an order of the county court, entered upon their records, agree to sell or lease to the said company, and to be paid for by said company in money, bonds, or stock of said company, as the same may be agreed upon, and the said county court are hereby authorized so to sell or lease the said ferry for any period they may agree upon with said company.

City of
Belleville
and St. Clair
county al-
lowed to
subscribe.

SEC. 15. The said company may accept subscriptions to the stock of said road from the city of Belleville and the county of St. Clair, or either of them, to an amount not to exceed twenty-five thousand dollars each, and for the purpose of raising the amount so to be by them subscribed, the said city of Belleville, by her corporate authorities, and the said county of St. Clair, are hereby authorized and empowered to borrow any sum not exceeding twenty-five thousand dollars each, payable at such times and places, and in such sums, and with such rate of interest as may be agreed upon, and may issue their city and county bonds therefor, under their respective seals.

Penalty.

SEC. 16. If any person shall do, or cause to be done, or aid in doing, or causing to be done any act or acts whatever, whereby any building, or construction, or work of said company, or any machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed impaired or weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offence or injury, to be recovered in the name of said company, with cost of suit, in an action of trespass before any justice of this State, or before any court having jurisdiction thereof.

Extension of
road.

SEC. 17. Said company shall have the power to extend to, and unite its railroad with any other railroad now constructed, or which may hereafter be constructed in this State, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection.

Power to
borrow m-
ney.

SEC. 18. Said company is hereby authorized from time to time to borrow such sum or sums of money, as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, for any amount so borrowed, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid, and the directors of said company may confer on any bond-holder of any bond issued for money

borrowed as aforesaid, the right to convert the principle due or owing thereon into stock of said company at any time not exceeding ten years from the date of the bond under such regulations as the directors of said company may see fit to adopt, and all sales of bonds for less than their par value shall be good and valid, and as binding upon said corporation as if the same were sold for the full amount thereof.

SEC. 19. The said company hereby chartered shall be required ^{Limitation.} to construct and operate their said road according to the terms of this charter within five years from the passage of this act, which shall be taken and received as a public law in all courts and places whatever.

SIDNEY BREESE,

Speaker of the House of Representatives.

WILLIAM M'MURTRY,

Speaker of the Senate.

APPROVED June 21, 1852.

AUGUSTUS C. FRENCH.

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS,

I, DAVID L. GREGG, Secretary of State of the said State of Illinois, do hereby certify that the foregoing is a true copy of the enrolled law now on file in my office.

In testimony whereof, I have hereunto set my hand and affixed the [L. s.] great seal of State, at Springfield, this 22d day of June, A. D. 1852.

D. L. GREGG, *Secretary of State.*

CHARTER
OF THE
ST. LOUIS, ALTON & TERRE HAUTE RAILROAD CO.,
OF THE STATE OF ILLINOIS.

APPROVED FEBRUARY 18, 1861.

AN ACT

To perfect the title of the purchasers of the Terre Haute, Alton and St. Louis Railroad, and to enable such purchasers, when the road is sold, to form a corporation, and defining the rights and duties of such corporation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That in case the railroad of the Terre Haute, Alton and St. Louis Railroad Company, or any part thereof, shall be sold by virtue of any mortgage, mortgages, or deed or deeds of trust, either by foreclosure or other proceedings in law or equity, or in pursuance of a power in such mortgage or mortgages, deed or deeds of trust contained, or by joint exercise of the said authorities, the purchaser or purchasers of the same, or their survivors or survivor, or they and their, or he, and his associates, or their*

Name and organization of new company.
or his assigns, may form a corporation, by the name of "The Saint Louis, Alton and Terre Haute Railroad Company," by filing in the office of the Secretary of State a certificate, under their or his signature, specifying the number of directors of said new corporation (a majority of whom shall always be citizens of the State of Illinois, residing in the counties along the line of the road, who shall be not less than five nor more than thirteen in number,) and the period, not exceeding one year, of their service, the amount of their original

capital and the number of shares into which such capital is to be divided; and, thereupon, the persons who shall have signed such certificate, and their successors, shall be a body politic and corporate, by the name of "The St. Louis, Alton and Terre Haute Railroad Company;" and a copy of such certificate, attested by the signature of the Secretary of State or his deputy, shall, in all courts and places, be evidence of the due formation and existence of the said corporation and of the facts in the said certificate stated.

SEC. 2. The said St. Louis, Alton and Terre Haute Railroad Company shall have power to acquire, by purchase or otherwise, and to hold, use and enjoy the Terre Haute, Alton and St. Louis Railroad, and each and every part thereof, whether situate within or without this State; and all equipments, machinery, tools and materials, all lands, property, rights and things connected therewith or necessary to the use thereof, together with the tolls, income, rents, issues and profits of the same, and shall have power to maintain and operate the same, as fully as might have been done by the Terre Haute, Alton and St. Louis Railroad Company; and the said corporation shall also possess and enjoy all the faculties, powers, authorities, immunities, privileges and franchises, at any time held by the said Terre Haute, Alton and St. Louis Railroad Company, or by any of the other corporations heretofore consolidated into the said company or conferred on the said company, or the said corporations, or either of them, by any act or law of this State or of the State of Indiana, and shall have capacity to hold and exercise, without this State, all the said faculties, powers, authorities, privileges and franchises, and all others which may hereafter be conferred upon it by or under any law of this State or of other States; and the said St. Louis, Alton and Terre Haute Railroad Company, when formed, in pursuance of this act, shall have power to create and issue capital stock, in shares of fifty dollars each, and to such aggregate amount as shall be deemed necessary to carry out the objects of this act, not exceeding any amount which may be fixed by agreement with the persons forming the said new corporation, in accordance herewith; and may establish preference, in respect to dividends, in favor of one class of the stock in such order and manner, and to such extent, and with such securities as it may deem expedient, not exceeding in the aggregate any amount fixed as aforesaid; and may confer on holders of any bonds which it may issue or assume to pay such rights to vote at all meet-

Corporate
powers.

Capital
stock.

Rights of
bondhold-
ers.

Issuing of
bonds.

ings of stockholders, not exceeding one vote for every one hundred dollars of the par amount of the said bonds, as may by it be deemed advisable; which rights, when once fixed, shall attach to and pass with such bonds, under such regulations as the by-laws may prescribe, to the successive holder thereof, but shall not subject any holder to assessment by the said company or to any liabilities for its debts or entitle any holder to dividends; and the said corporation may make and issue its bonds, of not less denomination than one hundred dollars each, payable at such times and places, bearing such rates of interest, not exceeding seven per cent. per annum, payable semi-annually at such place or places as may be agreed upon, as it may deem expedient; and may hypothecate or sell such bonds, within or without this State, when issued, to raise or borrow money, at a price not less than eighty cents on the dollar; and all other bonds to be issued shall be sold or exchanged at par; and in no case shall bonds, whether hypothecated or sold, become a debt or liability of the corporation at less than eighty cents on the dollar; and the said company may secure the payment of any bonds which it may make, issue or assume

Mortgage of
property.

to pay, by mortgage or mortgages, or deed or deeds of trust of its railroad, or any part thereof, or any other of its property, real or personal, and may include in any such mortgage or mortgages or deed or deeds of trust any locomotives, cars and other rolling stock or equipments, and any machinery, tools, implements, fuel and materials or other real or personal estate, whether then held or thereafter to be acquired, for the constructing, operating, repairing or replacing of the said railroad, or any part thereof, or of any of its equipments or appurtenances; all of which property and things, so included, whether then possessed or thereafter to be acquired, shall be subject to the lien and operation of every such mortgage or deed of trust, in the same manner and with the like effect as if such property constituted a part of such railroad; and may also include all franchises held by the said corporation and connected with or relating to the said railroad; and all corporate franchises of the said company, which said franchises are hereby declared, in case of sale by virtue of any such mortgage or deed of trust, to pass to the purchaser or purchasers, so as to enable him or them to form a corporation, in the manner herein prescribed, and to vest in such corporation all the faculties, powers, authorities, immunities, privileges and franchises, conferred by this act; and the said corporation may do all things

which may be necessary or convenient, to carry into full effect the powers hereby granted; and the powers hereby conferred may be exercised by the directors thereof; and the directors of said new company shall, at each annual meeting, submit to the stockholders a report in detail of their acts and doings.

SEC. 3. That the said St. Louis, Alton and Terre Haute Railroad Company shall, within six months after its organization, have power to assume such debts, liabilities and claims against said Terre Haute, Alton and St. Louis Railroad Company, and make such settlements or adjustments with any of the stockholders or other parties interested therein, as it may deem proper and as is provided for in this act; and for such purpose may use such portion of the stock or bonds hereby authorized to be created, and in such manner as is in and by this act directed and provided. Existing liabilities.

SEC. 4. That in case the Terre Haute, Alton and St. Louis Railroad, or any part thereof, may have been or shall be decreed by any court of this State, or by any circuit court of the United States, for a district in which any part of said railroad is situated, to be sold by virtue of any mortgage or mortgages or deed or deeds of trust upon the same, containing a power of sale to the trustee or trustees, it shall be lawful for the said trustee or trustees to unite with the proper officers in making such sale, or, under the order of the court, to make such sale, at the time and place appointed by the court, and with such notice as may be ordered by the court, and to execute a conveyance of the said railroad, or the part thereof that may be sold; and such sale and conveyance shall be a valid and effectual execution of the powers of sale and conveyance contained in the said mortgage or mortgages or deed or deeds of trust, and shall operate to invest the purchasers with the title to the railroad property, and things sold, as aforesaid, freed and discharged from all right and equity of redemption by the mortgagor or junior incumbrances or any other party whatsoever. Sale under mortgage.

SEC. 5. That full authority is hereby given to the corporate authorities of the several counties, townships, cities, villages or municipal corporations, owning stock in said company, and to all persons holding stock in the said company, in any fiduciary capacity, to transfer, assign or surrender the same, and to accept and receive, under the organization, such portion of new stock as may be apportioned to the stock so owned or held. Transfers and assignment.

Meetings of
stockhold-
ers.

SEC. 6. The said St. Louis, Alton and Terre Haute Railroad Company, when organized, as in this act provided, may hold meetings of stockholders or of directors, or both, either at St. Louis, in the State of Missouri, or at Terre Haute, in the State of Indiana, as well as in this State; and the said company or corporation is hereby expressly and forever prohibited from having its treasury or any office or place of business at any point out of the limits of the State of Illinois, other than at Terre Haute and at St. Louis.

Certificates
of stock.

SEC. 7. All the powers and franchises, by this act conferred, and the right to exercise the same, as a body corporate, shall become null and void unless the said St. Louis, Alton and Terre Haute Railroad Company shall, *within six months after its organization*, as is herein provided for, provide, as is hereinafter directed, for the junior incumbrances, general creditors, unsecured by deed of trust or mortgage, and stockholders in the Terre Haute, Alton and St. Louis Railroad Company, by issuing to the junior incumbrances, creditors and stockholders certificates of stock in said St. Louis, Alton and Terre Haute Railroad Company, as herein provided, that is to say: for the amount due upon the third and fourth mortgage bonds of the said Terre Haute, Alton and St. Louis Railroad Company, calculating interest on such bonds and on the past due coupons pertaining to such bonds, at the rate of seven per cent. per annum, and providing only for such bonds as have been actually sold and for the amount for which the same have been sold, in preferred stock of said St. Louis, Alton and Terre Haute Railroad Company, upon which preferred stock dividends, at a rate not exceeding seven per cent., may be paid till the common stock hereinafter provided for shall receive a like dividend, and then such preferred stock shall receive equal dividends with the common stock, for the excess of dividends to be declared; for all other creditors, common stock, for the full amount of their debts, and to stockholders for *bona fide* stock by them held, stock for the half of the stock by them so held: *Provided*, That the board of directors provided for in this act shall have power, and it shall be their duty to pass necessary by-laws for the adjustment and settlement of the floating debt that has heretofore accrued along the line of said railroad: *Provided, further*, That nothing herein shall prevent the directors of said St. Louis, Alton and Terre Haute Railroad Company from issuing preferred stock to any of the unsecured creditors

Settlement
of floating
debts.

of the Terre Haute, Alton and St. Louis Railroad Company, when the equities of such claim shall, in the judgment of the directors, demand such preference: *And, provided further, That no person, bond-holder, creditor or stockholder, shall have the benefit of this section without surrendering and transferring to the St. Louis, Alton and Terre Haute Railroad Company, within the time aforesaid, the bonds, claims, demands or stock for which he shall desire the issue of new stock by the St. Louis, Alton and Terre Haute Railroad Company: And, provided further, That the said St. Louis, Alton and Terre Haute Railroad Company shall proceed to fence the line of said road, and shall expend thereon at least twenty thousand dollars, in each and every year, till the line of said railroad is completely fenced.*

SEC. 8. After the reorganizing and the formation of a corporation, as herein provided, all persons who may have stock killed, (and ^{Killing of stock.} for the killing of which the said company may be legally liable,) and also all persons who may furnish, by contract, wood, ties or other materials or supplies, or work and labor, of any kind, for the use, maintenance, improvement or operation of said railroad, shall, to secure the payment therefor, have a prior lien over all other and future mortgages, deeds of trust or other incumbrances upon the said railroad and all equipments, machines, tools, property and other things connected therewith.

SEC. 9. The said St. Louis, Alton and Terre Haute Railroad Company shall have the right to fix the rates of toll or tariff for all ^{Freight tariffs.} passengers or freight, transported over the line of their said road, with such discrimination as to them shall seem most conducive to the interests of said road.

SEC. 10. The said St. Louis, Alton and Terre Haute Railroad Company shall have power to bargain, sell and convey any real ^{Sale of real estate.} estate which they may hold or acquire, and which is not necessary to the business operations or use of said road; and any mortgage or deed of trust executed by said St. Louis, Alton and Terre Haute Railroad Company shall not be a lien on any of such real estate.

SEC. 11. The earnings of said road, after paying the operating ^{Application of the earnings.} and contingent expenses of said road, and the paying of all necessary repairs and improvements, shall be applied, first, to the payment of interest on the bonds of said road, which now are a lien, as well as those to be hereafter issued, according to the order of their priori-

ties; next, in providing for a sinking fund for the retirement of such bonds, which sinking fund shall not exceed two per cent. of the gross earnings of said road, in each year; and, next in the payment of dividends on the stock, according to the order of priorities of the stock, as hereinbefore provided.

Payment of
claims.

SEC. 12. All *bona fide* claims or judgments, for stock heretofore killed by the Terre Haute, Alton and St. Louis Railroad, and all claims for right of way on that part of the road from Belleville to Illinoistown, and all just dues for work and labor done and for wood and ties furnished or taken for the said Terre Haute, Alton and St. Louis Railroad Company, and all judgments had for the same, which have not been arranged or settled by said Terre Haute, Alton and St. Louis Railroad Company, shall be assumed and paid by the St. Louis, Alton and Terre Haute Railroad Company as a condition precedent to the operation of this act.

SEC. 13. This shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 18, 1861.

CHARTER

OF THE

ST. LOUIS, ALTON & TERRE HAUTE RAILROAD CO.,

OF THE STATE OF INDIANA.

APPROVED MARCH 5, 1861.

AN ACT

To legalize, authorize and regulate the sale of, and to perfect the title of purchasers of railroads heretofore sold or hereafter to be sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate and other powers, to provide for the payment of stock injured by such corporation, and to provide for the payment of ticket and freight balances.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana:* That in case a majority in interest of the creditors of a railroad company, and the majority in interest of the stockholders of such company shall agree upon a plan for the readjustment or capitalization of the debt and stock thereof, thereupon an agreement as aforesaid, either before or after a sale of said railroad under judicial proceedings, and a purchase at such sale by trustees on behalf of the parties to such agreement, all the franchises and powers, including the franchises to act as a corporation, conferred by the charter of such railroad company, shall pass by such sale and vest in the said trustees, together with the railroad and all the other property embraced in the sale; and in case any railroad situate wholly or partly within this State, or any part thereof situate within this State, shall, in pursuance of such agreement, be sold by virtue of any mortgage or mortgages, or deed or deeds of trust, either by

How re-adjustment or capitalization by creditors and stockholders may be effected.

foreclosure or other proceeding in law or equity, or pursuant to any power in such mortgage or mortgages, or deed or deeds of trust contained, or by the joint exercise of those authorities as hereafter provided, the purchaser or purchasers of the same, or their survivor or survivors, or they or their, or he and his associates, may form a corporation by filing in the office of the Secretary of State, a certificate under their or his signature, specifying the name of such corporation, the number of directors, the names of the first directors, and the period of their service, not exceeding one year, the amount of the original capital, and the number of shares into which such capital is to be divided; and the persons signing the said certificate and their successors shall be a body politic and corporate by the name therein specified; and a copy of such certificate, attested by the signature of the Secretary of State or his deputy, shall in all courts and places be evidence of the due organization and existence of the said corporation, and of the facts in the said certificate stated: *Provided*, That no sale under the provisions of this act shall be valid unless notice thereof, stating time and place of sale, shall have been published in some newspaper of general circulation in the city of New York, and also by publishing said notice in at least one newspaper of general circulation published in each county in this State through which said railroad may run, not less than thirty nor more than sixty days at the discretion of the court ordering said sale, immediately preceding said sale; and all sales of railroads made under the order or decree of a court of record, are hereby legalized as fully as though the sale had been made in pursuance of this act: *Provided*, That nothing herein contained shall be construed to legalize the decree itself, or to correct any error therein, or to legalize the sale or conveyance of any real estate by or to any railroad company, or to legalize any consolidation by any railroad companies in this State, but only to confirm the sale of the road bed, depot grounds, and such realty as is essential to the operations of the railroad, including also the rolling stock, machinery and equipment upon the road as embraced in the decree.

Power to be
possessed
and enjoyed
by purchas-
ers.

SEC. 2. Such corporation shall possess all the powers, rights, privileges, immunities, faculties and franchises in respect to the said railroad, or the part thereof purchased as aforesaid, which were possessed or enjoyed by the corporation that owned or held the said railroad previous to such sale by virtue of its charter, or amend-

ments thereto, or other laws of this State, or of any State, not inconsistent with the laws of this State in which any part of the said railroad is situate, and shall also have power, by agreement of the persons forming the said corporation as aforesaid, or by a vote of a majority in the interest of the stockholders at any time within six months after the formation of the said corporation, to assume any debts or liabilities of the corporation which owned or held the said railroad before the said sale; and in like manner and within a like period to make such adjustments with any stockholders of the said last mentioned corporation as it may deem expedient, and for the said purposes to use such portions of the bonds and stock it may be authorized to create as it may deem necessary, and in such manner as it may deem proper; and shall also have power to make and issue bonds payable at such times and places, and bearing such rates of interest as it may deem expedient, and to sell or dispose of such bonds at such prices, and in such manner as it may deem proper; and to secure the payment of any bonds which it may make, issue or assume to pay, by a mortgage or mortgages, or deed or deeds of trust of its railroad, or of any part thereof, or any other of its property, real or personal; and may include such in mortgage or mortgages, or deed or deeds of trust, any locomotives, cars, and other rolling stock and equipments, and any machinery, tools, implements, fuel and materials, whether then held or thereafter to be acquired, for the constructing, operating, repairing or replacing the said railroad, or any part thereof, or any of its equipments, or appurtenances, all of which property, so included, whether then held or thereafter to be acquired, shall be subject to the lien and operation of such mortgage or mortgages, or deed or deeds of trust, all franchises held by the said corporation and connected with or relating to the said railroad, and all corporate franchises of the said company, which said franchises, in case of sale by virtue of any such mortgage or mortgages, or deed or deeds of trust, are hereby declared to pass to the purchasers so as to enable them to form a corporation in the manner herein prescribed, and to vest in such corporation all the faculties, powers, authorities, immunities and franchises conferred by this act; and the said corporation shall have power to establish sinking funds for the redemption of any of its debts, and shall likewise have power to issue capital stock to such aggregate amount as it shall deem necessary, not exceeding any

limitation which may be fixed by agreement with the persons forming the said company in the manner hereinbefore provided, and may establish preference in respect to dividends in favor of one or more classes of the said stock in such order and manner, and to such extent and with securities as it may deem expedient, and may confer on holders of any bonds which it may issue or assume to pay, such rights to vote at all meetings of stockholders, not exceeding one vote for every one hundred dollars of the par amount of the said bonds, as may by it be deemed advisable, which rights, when once fixed, shall attach to and pass with such bonds under such regulations as the by-laws may prescribe to the successive holders thereof, but shall not subject any holders to any assessment by the said company, or to any liability for its debts, or entitle any holder to dividends; and the said corporation shall also have capacity to hold and enjoy and exercise within other States the aforesaid faculties, powers, rights, immunities and franchises, and such others as may be conferred upon it by any law of the State, or of any other State in which any part of its railroad may be situate, or in which it may do any part of its business, and to hold meetings of stockholders and directors, and do all corporate acts and all things without this State as validly as it may do the same within this State.

In case any road in this State, a part being situate in another State, shall become vested in corporation of such other State, what powers exercised. SEC. 3. In case the part situate within this State of any railroad, a part of which is situate in another State, shall become vested in a corporation of such other State, and such corporation shall also acquire a part situate in such other State of the said railroad, the said corporation may exercise and enjoy within this State for the purpose of the said railroad and its business, so far as it may be endowed by the laws of the State of its creation with capacity to do so, all the powers, rights, faculties, privileges, immunities and franchises enumerated in section second of this act, and its mortgages or trust deeds shall operate as therein specified.

Order of lien of debts of old company. SEC. 4. Next in the order of lien to the existing mortgage debt of the old road shall stand the amounts due persons for labor performed, and wood and other such materials furnished the old company in running the road, and damages for killing stock, and right of way: *Provided*, That all the property of said company shall be liable for damages recovered against said company for stock killed or injured by them, and exempt from mortgage liens.

SEC. 5. So much of any railroad as lies in this State and is

embraced in the mortgage or mortgages sought to be foreclosed may be sold at such sale as an entirety, and the court making a decree or order of sale may declare in the order where the principal office of the railroad company is situate within the State, and may order the sale to be made at the court house door of the county in which the principal office within the State is situate.

Part of road in this State may be sold out, foreclosure as an entirety, and what court may declare in order.

SEC. 6. In case of the sale of a railroad or any part thereof, as in the first section of this act mentioned, full power is hereby given to the corporate authorities of the several counties, cities, townships and other municipal corporations holding stock in the company by which such railroad was owned, and to all persons holding such stock in a fiduciary capacity to surrender or assign such stock, and to accept and receive such new stock in any corporation which, after such sale, may become the owners of said railroad or any part thereof, as may be apportioned or given in respect to the said first mentioned stock under any reorganization of the ownership of the said railroad.

What power given to corporation in case of sale.

SEC. 7. That no purchaser or purchasers of any railroad shall be entitled to any rights or benefits under this act until such purchaser or purchasers shall first assume and pay in money or first class or satisfactory securities, to be issued by the new corporation formed upon the sale or transfer of any railroad as herein provided for, as the creditor or creditors may elect, all ticket balances and back charges for freight, with interest, whether due upon account, judgment of a court of record, bond, note or other instrument in writing, which the former railroad corporation may have owed or been in arrears for, to any connecting railroad company operating a railroad entirely or in part in this State.

Purchasers not to be entitled to benefit under this act, until certain conditions complied with.

SEC. 8. This act may be amended or repealed at the discretion of the Legislature.

Legislative discretion.

SEC. 9. It is hereby declared that an emergency exists for the immediate taking effect of this act, and therefore the same shall be in force from and after its passage.

Emergency declared.

APPROVED March 5, 1861.

AN ACT

To authorize the St. Louis, Alton and Terre Haute Railroad Company to extend its railroad and form a connection with the Illinois Central Railroad.

Power to extend road and form a connection with the Illinois Central Railroad.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the St. Louis, Alton and Terre Haute Railroad Company shall have power, and it is hereby authorized to extend its railroad from its present terminus, in the city of Belleville, in the county of St. Clair, in a south-easterly direction to the Illinois Central Railroad, and to unite and form a connection with the same, and for that purpose full power is given to said company to make and execute such contracts with any other company as will secure the construction of said road and the object of said connection.

Corporate powers.

SEC. 2. That said St. Louis, Alton and Terre Haute Railroad Company in the extension aforesaid, and in the construction and operation of a railroad from Belleville, in St. Clair county, to the Illinois Central Railroad, shall have, possess and exercise all the powers, faculties, privileges, immunities and franchises now and at any time held by said company, or by the Terre Haute, Alton and St. Louis Railroad Company during its existence by or under any law of this State, and shall also have power to create and issue additional stock and to such aggregate amount as shall be deemed necessary to carry out the objects of this act.

Issue additional stock.

SEC. 3. This act shall be deemed a public act and shall take effect and be in force from and after its passage.

S. A. BUCKMASTER,

Speaker of the House of Representatives.

FRANCIS A. HOFFMAN,

Speaker of the Senate.

APPROVED February 13, 1863.

RICH'D YATES, *Governor.*

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS.

I, O. M. HATCH, Secretary of State, of the State of Illinois, do hereby certify that the foregoing is a true copy of an enrolled law now on file in my office.

In witness whereof I have hereunto set my hand, and affixed the great [L. s.] seal of State, at the city of Springfield, this first day of August
A. D. 1863. O. M. HATCH, *Secretary of State.*

AN ACT

To authorize and empower the St. Louis, Alton and Terre Haute Railroad Company to extend its railroad, and to construct a railroad from Paris, in Edgar county, so as to form a connection with the Wabash Valley Railroad.

SECTION 1. *Be it enacted by the People of the State of Illinois,* ^{Power to unite with Wabash Valley Railroad.} *represented in the General Assembly :* That the St. Louis, Alton and Terre Haute Railroad Company shall have power, and is hereby authorized, to extend its railroad and unite the same with the Wabash Valley Railroad, and for that purpose to build and construct a railroad from Paris, in Edgar county, in a north-easterly direction to the State line between the States of Illinois and Indiana, with the view of forming a connection with the Wabash Valley Railroad, and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the construction of said road and the objects of said connection.

SEC. 2. The said St. Louis, Alton and Terre Haute Railroad Company in the construction and operation of said railroad from Paris to the State line, and for the purposes of said extension and construction, shall have, possess and exercise all the powers, facilities, privileges, immunities and franchises now and at any time held by said company, or held by the Terre Haute, Alton and St. Louis Railroad Company during its existence by or under any law of this State ; and shall also have power to create and issue additional stock ^{May issue additional stock.} and to such aggregate amount as shall be deemed necessary to carry out the object of this act.

SEC. 3. This act shall be deemed a public act and shall take effect and be in force from and after its passage.

S. A. BUCKMASTER,
Speaker of the House of Representatives.

FRANCIS A. HOFFMAN,
Speaker of the Senate.

APPROVED February 20, 1863.

RICH'D YATES, *Governor.*

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS.

I, O. M. HATCH, Secretary of State, of the State of Illinois, do hereby certify that that the foregoing is a true copy of an enrolled law now on file in my office.

In witness whereof I have hereunto set my hand, and affixed the great [L. s.] seal of the State, at the city of Springfield, this first day of August, A. D. 1863. O. M. HATCH, *Secretary of State.*

CERTIFICATE OF INCORPORATION,

Saint Louis, Alton and Terre Haute Railroad Company.

Preamble.

WHEREAS, We, the undersigned, have become the purchasers of the Terre Haute, Alton and St. Louis Railroad, extending from Terre Haute, in the State of Indiana, to East St. Louis, or Illinoistown, in the State of Illinois, and from Illinoistown to Belleville, and from the Junction to Alton, in the State of Illinois :

AND WHEREAS, The said purchase was made by us, at a sale thereof made by virtue of certain mortgages or deeds of trust, under the decrees of the Circuit Court of the United States, for the Southern District of Illinois, and the Circuit Court of the United States, for the District of Indiana, and pursuant to the powers in such mortgages or deeds of trust contained, executed in compliance with the aforesaid decrees.

Now, In conformity to the provisions of an act of the Legislature of the State of Illinois, entitled "An act to perfect the title of the purchasers of the Terre Haute, Alton and St. Louis Railroad, and to enable such purchasers, when the road is sold, to form a corporation, and defining the rights and duties of such corporation," approved by the Governor, February 18th, 1861, we, the undersigned purchasers of the said Terre Haute, Alton and St. Louis Railroad, *do hereby certify :*

Name of corporation.

First, That the name of the corporation organized pursuant to the aforesaid act, shall be the "St. Louis, Alton and Terre Haute Railroad Company."

Thirteen directors.

Second, That the number of directors of the said company shall be thirteen, until such number shall be altered in the manner by law provided.

Third, That the names of the first directors are: Robert Bayard, John G. Richardson, Pickering Clark, Charles Butler, Russell Sage, Samuel J. Tilden, William D. Griswold, Gustavus Kørner, Anthony Thornton, John S. Hayward, Levi Davis, Hiram Sanford, Ralph Tousey.

Fourth, That the period of service of such first directors shall be and continue until the second Thursday of June, 1863.

Fifth, That the amount of the original capital stock of the said company shall be three millions and seven hundred and fifty thousand dollars, and the number of shares into which the said capital stock is to be divided, shall be thirty-seven thousand and five hundred, which amount shall include the preferred stock as well as the common stock; *Provided*, That such portion of the said stock as shall not be issued within six months from the filing of this certificate, shall be cancelled.

In witness whereof, we have hereunto set our hands, this nineteenth day of June, in the year one thousand eight hundred and sixty two.

ROBERT BAYARD,
SAMUEL J. TILDEN,
JOHN G. RICHARDSON,
JOSEPH TUCKERMAN,
RUSSELL SAGE.

UNITED STATES OF AMERICA, }
STATE OF ILLINOIS. } ss.

I, O. M. HATCH, Secretary of State, of the State of Illinois, do hereby certify that the foregoing is a true copy of the certificate of incorporation of the St. Louis, Alton and Terre Haute Railroad Company, now on file in my office.

In witness whereof, I have hereunto set my hand, and affixed the great seal of State, at the city of Springfield, this fourth day of June,
[L. s.,] A. D. 1863.

O. M. HATCH, *Secretary of State*.

GENERAL RAILROAD LAW OF ILLINOIS.

APPROVED, NOVEMBER 5, 1849.

AN ACT

To provide for a General System of Railroad Incorporations.

Corporation,
how formed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of persons, not less than twenty-five, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning and maintaining such railroad, by complying with the following requirements: When stock to the amount of at least one thousand dollars for every mile of said road, so intended to be built, shall be in good faith subscribed, and ten per centum paid thereon, as herein required, then the said subscribers may elect directors for the said company; thereupon they shall severally subscribe articles of association, in which shall be set forth the name of the corporation, the number of years the same is to continue, which shall not exceed fifty years, the amount of the capital stock of the company, which shall be the actual cost of constructing the road, together with the cost for the right of way, motive power and every other appurtenance for the completion and running of said road, as nearly as can be estimated by competent engineers; the number of shares of which said stock shall consist; the number of directors, and their names, to manage the concerns of the company, who shall not be one-half in the number of the stockholders, and shall hold their offices until others are elected; the place from and to which the proposed road is to be constructed, and each county into or through which it is intended to pass, and its length, as near as may be, and the names of five commissioners to open books of subscription to the stock. Each subscriber to such articles of association shall subscribe thereto his name, place of residence,

Directors.

Articles of
association.

Commis-
sioners.

and the number of shares of stock taken by him in such company. The said articles of association may, on complying with the next section, be filed in the office of Secretary of State, and thereupon the persons who have subscribed, and all persons who shall from time to time become stockholders in such company, shall be a body corporate, by the name specified in such articles.

SEC. 2. Such articles of association shall not be filed in the office of the Secretary of State until ten per cent. on the amount of the stock subscribed thereto shall have been actually and in good faith paid, in cash, to the directors named in such articles, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the directors named in such articles, that the amount of stock required by the first section has been subscribed, and that ten per cent. on the amount has actually been paid in. Articles to be filed.

SEC. 3. A copy of any articles of association filed in pursuance of this act, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a copy by the Secretary of this State, or his deputy, shall, in all courts and places, be presumptive evidence of the incorporation of such company, and of the facts therein stated. Articles to be evidence.

SEC. 4. When the certificate shall have been filed as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name stated in such certificate, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding and conveying any real estate and personal property whatever, necessary for the construction of such road, and for the erection of all necessary buildings, yards and appurtenances for the use of the same. Certificate, its effects.

SEC. 5. The commissioners for opening books of subscription, named in the act of incorporation, shall, from time to time, after the company shall be incorporated, open books of subscription to the capital stock of the company, in such places, and after giving such notice as a majority of them shall direct; which books of subscription shall be kept open until all the capital stock shall be subscribed, if the corporation shall so long exist; and in case a greater amount of stock shall be subscribed than the whole capital of said company, the commissioners shall distribute such capital stock as equally as possible among the subscribers; but no share thereof shall be divided in Books to be opened.

making such distribution, nor shall a greater number of shares be allotted to any subscriber than such subscriber shall have subscribed for.

Directors to
be chosen.

SEC. 6. As soon as practicable after such capital stock shall have been subscribed and distributed as aforesaid, the commissioners to receive subscriptions thereto shall appoint a time and place for the meeting of the stockholders, to choose directors; such meeting to be held in one of the counties in or through which such railroad is proposed to be constructed, and notice thereof shall be given by said commissioners, by public notice, to be published not less than twenty days previous thereto, in the State paper, and a newspaper published in each county through which the said road shall be intended to run, in which a newspaper shall be published.

Qualifica-
tion of vo-
ters.

Thirteen directors shall be chosen at such meeting, by ballot, and by a majority of the votes of the stockholders being present, in person or by proxy; and every such stockholder being so present at such election, or at any subsequent election of directors, shall be entitled to give one vote for every share of stock which he shall have owned for thirty days next preceding such election; but no stockholder shall vote at any such election upon any stock, except such as he shall have owned for such thirty days. No person shall be a director unless he shall be a stockholder, owning stock absolutely and in his own right, and qualified to vote for directors at the election at which he shall be chosen; and at least seven of the directors shall, at the time of their election, be residents of the counties in or through which the route of such railroad shall run. The directors shall be directors for one year, or until others are elected in their places.

Duty of
commission-
ers.

SEC. 7. The commissioners named in the last preceding section shall be inspectors of the first election of directors, shall openly count the votes and declare the result, and shall, within ten days thereafter, file a certificate thereof, subscribed by them, or a majority of them, in the office of the Secretary of State, and in the office of the clerk of each county, or with the clerk of the county commissioners' court (as the case may be) of each county in or through which such railroad shall be proposed to be constructed, and shall also deliver to the treasurer of such company all moneys received by such commissioners on subscriptions to such capital stock, and all books and papers in their possession relative to such subscriptions.

All subsequent elections shall be held at such time and place, in one of these counties through which such railroad shall pass, as shall be directed by the by laws of the company.

SEC. 8. A general meeting of the stockholders of any corporation ^{Meetings of stockholders.} *formed under this act*, shall be holden annually at the time and place appointed for the election of directors, and a meeting may be called at any time during the interval between such annual meetings by the directors, or by the stockholders owning not less than one-fourth of the stock, by giving thirty days' public notice of the time ^{Notice.} and place of the meeting in the State paper, and a newspaper published in each county through which the said road shall be run, or be intended to be run, in which a newspaper shall be published; and when any such meeting is called by the stockholders, *the particular object of such shall be stated*; and if, at any such meeting thus called, a majority in value of the stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting business; and if within said three days stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

SEC. 9. At the regular annual meeting of the stockholders of any corporation, it shall be the duty of the president and directors ^{Duty of president and directors.} in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, and at any meeting of the stockholders, a majority of those present, in person or by proxy, may require similar statements from the directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders *a majority in value of the stockholders in said company may fix the rate of interest* which shall be paid by the company for loans for the construction of said road and its appendages, *may remove any president or any directors of said company, and elect others in their stead*: ^{Rate of interest.} *Provided, notice of such intended removal has been given as required by the last preceding section.* ^{Proviso.}

SEC. 10. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of the company when it ought to have been made, the company for that reason shall not be dissolved, if *within ninety days* thereafter they shall hold an election for directors, in such manner as shall be ^{Failure of election.}

President. provided by the by-laws of the company. There shall be a president of the company, who shall be chosen by and from the directors, and also such subordinate officers as the company, by its by-laws, may designate, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their office, as the company, by its by-laws, may require.

Payments of subscriptions. SEC. 11. It shall be lawful for the directors to call in and demand from the stockholders respectively, all sums of money by them subscribed, at such time and in such payments or instalments as the

Forfeiture.

directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payments shall not be made by the stockholders within sixty days after personal demand, or notice requiring such payment shall have been made in each county through which said road shall be laid out, in which a newspaper shall be published.

By-laws.

SEC. 12. The directors of such company shall have power to make by-laws for the management and disposition of stock, property and business affairs of such company, not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed for the appointment of all officers for carrying on all the business within the object and purposes of such company.

Stock deemed personal estate.

SEC. 13. The stock of such company shall be deemed personal estate, and shall be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable till all previous calls thereon shall have been fully paid in, or the said shares shall have been forfeited for the non-payment of calls thereon; and it shall not be lawful for such company to use any of their funds in the purchase of any stock in their own or in any other corporation.

Stockholders responsible until, &c.

SEC. 14. All the stockholders of any such company that shall be hereafter incorporated *under this act*, shall be severally individually liable to the creditors of such company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, until the whole amount of capital stock fixed and limited by the company in the manner aforesaid, shall have been paid in, and a certificate thereof shall have been made and recorded, as prescribed in the following section, and shall be jointly and severally liable for all debts that may be due and owing

to all their laborers, servants and apprentices, for services performed for such corporation, but not to be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part against the corporation, and then the amount due on said execution shall be the amount recoverable with costs against said stockholders.

SEC. 15. The president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock, so fixed and limited by the company, shall make a certificate stating the amount of the capital stock so fixed and paid in, which certificate shall be signed by the president and a majority of the directors, and sworn to by the president and secretary, and they shall, within the said thirty days, file and record the same in the office of the secretary of State. Certificates of payments.

SEC. 16. If the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing and for all that shall thereafter be contracted, so long as they shall respectively remain in office: *Provided*, That if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall, within thirty days thereafter, or after his return, if absent; file a certificate of their absence or objection with the clerk of the company, and with the clerk of the county, or with the clerk of the county commissioners' court, in which the principal office of said company is located, they shall be exempt from the said liability. Liability of directors in case, &c.

SEC. 17. If any certificate or report made, or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof. Officers liable, in case, &c.

SEC. 18. No person holding stock in any such company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging the stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the Persons exempt.

hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or persons interested in such trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

Stock represented.

SEC. 19. Every such administrator, executor, guardian or trustee shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder.

Map and profile made

SEC. 20. Every such company, before proceeding to construct a part of their road into or through any county named in their certificate of association, shall make a map and profile of the route intended to be adopted by such company; which shall be certified by a majority of the directors and filed in the office of the county clerk of such county, or with the clerk of the county commissioners' court of such county, for the inspection and examination of all parties interested therein.

And filed.

General and special powers.

SEC. 21. Every such corporation shall possess the general powers, and be subject to the general liabilities and restrictions expressed in the special powers following, that is to say :

Surveys.

1. To cause such examination and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the railroad, and for such purpose, by their officers, agents and servants, to enter upon lands or waters of any person, but subject to responsibility for all damages which they shall do thereto.

Take grants, &c.

2. To receive, hold and take such voluntary grants and donations of real estate and other property as shall be made to it, to aid in the construction, maintenance and accommodation of such railroad; but the real estate thus received by voluntary grants shall be held and used for purposes of such grants only.

Purchase lands.

3. To purchase and by voluntary grants and donations receive and take, and by its officers, engineers and surveyors and agents, enter upon and take possession of and hold, and use all such lands and real estate and other property as may be necessary for the construction and maintenance of its railroad and stations, depots and other accommodations necessary to accomplish the object for which the corporation is created: but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owner or owners thereof, or deposited as

hereinafter directed, unless the consent of such owner be given to enter into possession.

4. To lay out its road, not exceeding six rods wide, and to construct the same, and for the purposes of cuttings, embankments and procuring stone and gravel, may take as much more land within the limits of its charter, in the manner provided hereinafter, as may be necessary for the proper construction and security of the road.

Lay road six rods.
Additional lands, &c., in case.

5. To construct their road upon or across any stream of water, water course, road, highway, railroad or canal, which the route of its road shall intersect; but the corporation shall restore the stream or water course, road or highway thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness.

Water courses, roads, &c.

6. To cross, intersect, join and unite its railroad with any other railroad before constructed, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches and other conveniences, in furtherance of the object of its connections; and every company whose railroad is or shall be hereafter intersected by any new railroad, shall unite with the owners of such new railroad in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points or manner of such crossings and connections, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided hereinafter in respect to the taking of lands.

Intersect railroads.
With turn-outs.
Compensation.
By commissioners.

7. To purchase lands or take them, may change the line of its road, whenever a majority of the directors shall so determine, as is hereinafter provided, but no such change shall vary the original route of such road to exceed one mile laterally.

Change line.

8. To take, transport, carry and convey persons and property on their railroad, by the force and power of steam, of animals, or any mechanical powers, or by any combinations of them, and receive tolls or compensation therefor.

Transport persons, &c.

9. To erect and maintain all necessary and convenient buildings, stations, depots and fixtures, and machinery, for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor.

Buildings and stations.

10. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be

Time of trains.
Fares.

Passengers not exceed three cents. paid therefor; but such compensation for any passenger and his ordinary baggage shall not exceed three cents a mile, unless by special act of the legislature, and shall be subject to alteration, as hereinafter provided.

Borrow money. 11. *To borrow money*, to be applied to the construction of their railroad and fixtures, and purchase of engines and cars, *at such rates of interest as is hereinafter (hereinbefore) provided.*

To petition legislature. SEC. 22. Any number of persons, not less than thirteen, intending to organize a corporation under the provisions of this act, and every company that may hereafter organize under this act, may

Contents of. present a petition to the Legislature, stating the place from and to which they propose to construct their road, and its location and route, with reasonable certainty, and that they intend to run the said road on the most direct and eligible route between the points of terminus, and praying the Legislature to determine whether the construction of the said proposed road will be of sufficient public use to justify the taking of private property for the construction of

Legislature declare utility. the same. And if the Legislature shall determine and decide by law that such proposed road will be of sufficient public utility to justify the taking of private property for constructing and maintaining said road, under the provisions of this act, then such company, when organized, may enter upon, take possession of, and use all such

Take lands. lands, real estate, as may be required for the construction and maintenance of their railroad, and the convenient accommodations appertaining to the same; making compensation in the manner

Compensation. hereinafter provided, for all lands, real estate, thus taken possession of and used, except such as may be voluntarily given to or purchased at an agreed price by the said corporation. Whenever the said corporation shall not have acquired by gift or purchase, any land, real estate, so required as aforesaid, or which may be effected by any operation connected by such construction and maintenance, the said corporation may present to the circuit court of the district where said lands or real estate shall lie, a petition signed by its attorney or agent, describing with convenient accuracy and certainty, by map or otherwise, the lands or real estate so required to be taken or affected as aforesaid, setting forth the name and residence of each owner or other person so interested therein as owner, lessee, incumbrancer, as far as known to such attorney or agent, or appearing of record, and praying the appointment of commissioners

Petition court. Contents of.

to ascertain the compensation to be made to such owners and persons interested, for the taking or injuriously affecting such land or real estate aforesaid. The court shall have satisfactory evidence that notice of an intended application, and the time and place thereof, for the appointment of commissioners of appraisement between said corporation and the owners and persons interested in such lands and real estate, had been given at least ten days previously, to such owners personally, or to some person of suitable age, at their residence, or on the premises, or by publication thereof in a newspaper printed in the county in which such lands or real estate may lie. Such publication to be allowed only in respect to owners who shall appear by affidavit to have no residence in the county, known to such agent or attorney, whereat such notice could be delivered as aforesaid. The court may adjourn the proceedings from time to time; shall direct any future notice thereof to be given that may seem proper; shall hear proofs and allegations of all parties interested, touching the regularity of the proceedings; and shall, by an entry in its minutes, appoint five competent and disinterested persons commissioners, to ascertain such compensation as aforesaid, specifying in such entry a time and place for the first meeting of such commissioners. The said commissioners, before entering upon the duties of their office, shall take the oath required by the laws and Constitution of this State, and any one of them may administer oaths to witnesses produced before them; and may adjourn and may hold meetings for that purpose. Whenever they shall meet to hear proofs and allegations, unless by appointment of the court, or pursuant to adjournment, they shall cause reasonable previous notice of such meetings to be given to the said owners or parties interested, or their attorney or agent, and may each of them issue subpoenas and compel witnesses to appear and testify; they shall hear the proofs and allegations of the parties, and any three or more of them, after reviewing the premises, without fear or favor, or partiality, ascertain and certify the compensation proper to be made to the said owners and parties interested, for the lands or real estate to be taken, as well as all damages accruing to the owner of the lands and real estate aforesaid, taken in consequence of the condemnation of the same, or injuriously affected as aforesaid, making such deduction or allowance for real benefits or advantages which such owners or parties interested may derive from the construction

Notice of
petition.

May adjourn
proceedings.

Proofs.

Appoint
commission-
ers.

Oath.

Commis-
sioners give
notice.

Summon
witnesses.
Hearing.
View.

Certify dam-
ages.

Deduct ben-
efits.

of said road, and may, in their discretion, assess a separate reasonable sum in favor of such owners and parties interested, or of any person appointed by the court to appear as attorney for them, for costs, expenses and reasonable counsel fees. They, or a majority of them, shall make, subscribe and file with the clerk of the county, or with the clerk of the county commissioners' court, in which such lands or real estate shall lie, a certificate of their said ascertainment and assessment, in which such lands or real estate shall be described by map or otherwise, with convenient accuracy and certainty. The court, upon such certificate and due proof that such compensation and separate sums, if any be certified, have been paid to the parties entitled to the same, or have been deposited to the credit of such parties in the State treasury, or other place for that purpose approved by the court, shall make, and cause to be entered in its minutes a rule describing such lands or real estate, in manner aforesaid, such ascertainment of compensation, with the mode of making it, and such payment or deposit of the same compensation as aforesaid; a certified copy of which rule shall be recorded and indexed in the proper recorder's office, in like manner and in like effect as if it were a deed of conveyance from the said owners and parties interested to the said corporation. Upon the entry of such rule, the said corporation shall become seized in fee of all the lands and real estate described in said rule, as required to be taken as aforesaid during the continuance of the corporation, by this or any subsequent act, and may take possession of and hold and use the same for the purposes of said road, and shall thereupon be discharged from all claim for any damages by reason of any matter specified in said petition, certificate or rule of said court. If at any time after an attempted or actual ascertainment of compensation under this or any other act, or any purchase by, or donation to said corporation, of any lands for the purposes aforesaid, it shall appear that the title acquired thereby to all or any part of such lands for the use of said road, or if said condemnation shall fail, or be deemed defective, the said corporation may proceed anew to perfect such title, by procuring an ascertainment of the compensation proper to be made to any person or persons whose title, claim or interest in, or lien upon such lands, and by making payment thereof in the manner herein-after provided, as near as may be, and at any stage of such new proceedings, or of any proceedings under this act, the court may,

May assess costs.
 Return certificate of appraisalment.
 Entry in court.
 Corporation seized in fee.
 If title fail, proceed anew.

by a rule in that behalf made, authorize the said corporation, if already in possession, and if not in possession, to take possession of and use such premises during the pendency and until the final conclusion of such proceedings, and may stay all actions and proceedings against such corporation on account thereof: *Provided*, such corporation shall pay a sufficient sum into court, or give approved security to pay the compensation in that behalf, when ascertained; and in every case, where possession shall be so authorized, it shall be lawful for the owners to conduct the proceedings to a conclusion, if the same shall be delayed by the company. The said commissioners shall be entitled to receive from said corporation a compensation not exceeding two dollars for each day actually employed by them in the discharge of their duties. Such compensation to be taxed and allowed by the court. If any commissioner so appointed shall die, be unable or fail to serve, the court may appoint another in his place, on reasonable notice of the application, to be approved by the court. The proceedings hereby authorized may be had in the circuit court in a county where the lands lie, and all motions to the circuit court shall be made at a general or special term thereof in said county. The said commissioners shall file the said certificate in the county where the lands to be affected may lie, or in any adjacent county, and any clerk may transfer the same and the proceedings connected therewith to the clerk of the county in which the lands to be affected may lie, or of any adjacent county thereto, whenever said commissioner or clerk shall be so required by said corporation, its agent or attorney. And the Legislature hereby reserves (the right) to itself to indicate the routes and termini of said roads, and the same shall not be constructed or commenced without the express sanction of the Legislature of this State, by a law to be passed hereafter.

SEC. 23. In case an infant, idiot or insane person, or any unknown owner or owners not personally notified to appear, and who shall not appear, after such notice, on the appointment of commissioners, shall be interested in any such lands, real estate and property, the court shall appoint some proper person to appear before the said commissioners and act as attorney for and in behalf of such infant, idiot, insane person, unknown owner or non-appearing owner, not personally served with notice.

May take possession if give security.

Or pay into court.

Fees of commissioners.

Fill vacancies.

County where lands lie.

Legislature indicate route and termini. Sanction requisite.

Infants, idiots, &c., or unknown owner.

Line may be altered. SEC. 24. If at any time after the location of the track of said road, in whole or in part, and the filing of the map thereof, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for the said directors, from time to time, to alter the line and cause a new map to be filed in the office where the map showing the first location is or shall be filed, and may thereupon proceed to take possession of the lands embraced in such new location that may be required for the construction and maintenance of said road on such new line, and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding section of this act, and use the same in place of the line for which the new is substituted. Nothing in this act contained shall authorize the said company to make a location of their track within any city, without the consent of the common council of said city.

New map filed.

Possession.

No location in a city without consent.

Highways, how crossed, under or over. SEC. 25. Whenever the track of said railroad shall cross a road or highway, such road or highway may be carried under or over the track, as may be found most expedient; and in cases where an embankment or cutting shall make a change in the line of such road or highway desirable, with a view to a more easy ascent or descent, the said company may take such additional lands for the construction of such roads or highway, or such new line, as may be deemed requisite by said directors. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in such lands, the same when so taken, or compensation made, to become a part of such intersecting road or highway, in such manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

Change highway.

Compensation for highway.

Lands may be granted by State, county or town. SEC. 26. If any such corporation shall, for its purpose aforesaid, require any land belonging to the people of this State, or to any of the counties or towns, the General Assembly of the State, and the county and town officers respectively, having charge of said lands, may grant such lands to such corporations for a compensation, which shall be agreed upon between them; and if they shall not agree upon a sale and price, the same may be taken by the corporation, as is provided in respect to other cases.

Appraised if not agreed.

SEC. 27. Every conductor, baggage-master, engineer, brakeman or other servant of any such railroad corporation, employed in a passenger train, or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge, shall demand or be entitled to receive from any passenger any fare, toll or ticket, or exercise any of the powers of his office; and no other of said officers or servants, without such badge, shall have any authority to meddle or interfere with any passenger, his baggage or property. Officers to wear badge.

SEC. 28. Every such corporation shall make an annual report to the Secretary of this State, of the operations of the year ending on the first day of January, which report shall be verified by the oaths of the treasurer and the acting superintendent of operations, and filed in his office by the twentieth day of January, in each year, and shall state—1st. The capital stock and the amount actually paid in : 2d. The amount expended for the purchase of lands for the construction of the road, for buildings and for engines and cars respectively : 3d. The amount and nature of its indebtedness, and the amounts due the corporation : 4th. The amount received for the transportation of passengers, of property, of the mails and from other sources : 5th. The amount of freight, specifying the quantity in tons, of the products of the forests, of animals, of vegetable food, other agricultural products, manufactures, merchandise and other articles : 6th. The amount paid for repairs, engines, cars, buildings and salaries : 7th. The number and amount of dividends, and when paid : 8th. The number of engine-houses and shops, of engines and cars, and their character : 9th. The number of miles run by passenger, freight and other trains, respectively : 10th. The number of men employed, and their occupation : 11th. The number of persons injured in life or limb, and the cause of such injury : 12th. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation. Annual report. Oath. Contents.

SEC. 29. Any such corporation which shall neglect to make such report, shall be liable to a penalty of two hundred and fifty dollars, to be sued for in the name of the people of this State. Penalty for neglect.

SEC. 30. The property belonging to any company *organized under the provisions of this act* shall be listed by the resident secre- Property to be listed.

Taxation. tary, or other proper officer, with the Auditor of the State, which shall be subject to the same rate of taxation as other similar property of individuals, and the revenue arising therefrom shall be paid into the State treasury, until the entire extinction of the internal improvement debt of the State, after which the said property shall be subject to taxation, and the revenue arising therefrom paid, as in case of all other property in the State. The revenue derived under this section to be applied to the payment of the public debt of the State.

Liens of State. SEC. 31. The State shall have a lien upon all railroads of said corporations, and their appurtenances and stock therein, for all penalties, taxes and dues which may accrue to the State from said corporations, which lien of the State shall take precedence of all demands, judgments or decrees against said corporations; and the **Liens of citizens.** citizens of the State shall have a lien upon all the personal property of said corporation to the amount of one hundred dollars, originally contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments or decrees, liens or mortgages against said corporation.

Tolls may be altered by legislature. SEC. 32. The Legislature may, when any such railroad shall be opened for use, from time to time alter or reduce the rates of toll, fare, freight or other profits upon such road; but the same shall not without the consent of the corporation, be so reduced as to produce, with said profits, less than fifteen per cent. per annum on the capital actually paid in, nor unless, on an examination of the amounts received and expended, to be made by the secretary of State, he shall ascertain that the net income divided by the company from all sources for the year then last past shall have exceeded an annual income of fifteen per cent. upon the capital of the corporation actually paid in.

Not of income under fifteen per cent. **To carry mails.** SEC. 33. Any such corporation shall, when applied to by the postmaster-general, convey the mails of the United States on their road or roads respectively; and in case such corporation shall not agree as to rates of transportation thereof, and as to time, rate of speed, manner and condition of carrying the same, it shall be lawful for the governor of this State to appoint three commissioners, who, **Governor appoint commissioners.** or a majority of them, after fifteen days' notice, in writing, of the time and place of meeting, to the corporation, shall determine and fix the prices, times and conditions aforesaid; but such prices shall

not be less for carrying said mails in the regular passenger trains, Fix prices, &c., for mails. than the amount which said corporation would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the post-office car. And in case the postmaster-general shall require the mail to be carried at other hours and at a higher speed than the passenger trains be run at, the corporation shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses and wear and tear thereof, and for the services, to be fixed aforesaid.

SEC. 34. If any passenger shall refuse to pay his fare or toll, it shall be lawful for the conductor of the train, and the servants of the corporation, to put him out of the cars at any usual stopping place the conductor shall select. Penalty on refusal to pay fare.

SEC. 35. Every such corporation shall start and run their cars, Regular times shall be fixed. for the transportation of passengers and property, at regular times, to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as Accommodations furnished. shall, within a reasonable time previous thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and stopping places established for receiving and discharging way passengers and freight, and shall take, transport and discharge such passengers and property at, from and to such places, on the due payment of tolls, freight or fare legally authorized therefor.

SEC. 36. In case of the refusal, by such corporation or their agents, so to take and transport any passengers or property, or to deliver the same, or either of them, at the regular or appointed time, such corporation shall pay the party aggrieved all damages which shall be sustained thereby, with costs of suit. Penalty for neglect.

SEC. 37. In forming a passenger train, baggage, or freight, or merchandise, or lumber cars, shall not be placed in rear of passenger cars; and if they or any of them shall be so placed, and any accident shall happen to life or limb, the officer or agent who so directed or knowingly suffered such arrangement, and the conductor or engineer of the train, shall each and all be held guilty of intentionally causing the injury, and be punished accordingly. Trains, how placed.

SEC. 38. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and shall be rung or whistled at the distance of at least eighty rods from the Bell and whistle to be kept and rung, &c.

place where the said road shall cross any other road or street, and be kept ringing or whistling until it shall have crossed said road or street, under a penalty of fifty dollars for every neglect, to be paid by the corporation owning the railroad, one-half thereof to go to the informer, and the other half to the State, and also be liable for all damages which shall be sustained by any person by reason of such neglect.

Boards to be kept up.

SEC. 39. Every such corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained across each public road or street, where the same is crossed by the railroad. On the same level said boards shall be elevated, so as not to obstruct the travel, and to be easily seen by travelers; and on each side of said boards shall be painted in capital letters of at least the size of nine inches each, the words, "Railroad crossing; look-out for the cars while the bell rings or the whistle sounds." But this section shall not apply to streets in cities or villages, unless the corporation be required to put up such boards, by the officers having charge of such streets.

Intoxication of engine-man or conductor.

SEC. 40. If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of any car or train of cars on any such railroad be intoxicated, he shall be deemed guilty of a misdemeanor.

Penalty for injury to corporation.

SEC. 41. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby any building, construction or work of any such corporation, or any engines, machines or structures, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons offending, shall be guilty of a misdemeanor, and shall forfeit and pay to the said corporation treble the amount of damages sustained by means of such offence.

Penalties, how recovered.

SEC. 42. All penalties imposed by this act may be sued for by the district attorney, and in the name of the people of the State of Illinois; and if such penalty be for a sum not exceeding one hundred dollars, then each suit may be brought before a justice of the peace.

Corporation to make and file map of lands.

SEC. 43. Every such corporation shall, within reasonable time after their road shall be located, cause to be made:

1st. A map and profile thereof, and of the land taken and obtained for the use thereof, and file the same in the office of the Secretary of

State; and also like maps of the parts thereof located in different counties, and file the same in the office for recording deeds in the county in which said parts of said road shall lie, there to remain as of record forever.

2d. A certificate, specifying the line upon which it is proposed to construct the railroad, and the grades and curves. Certificate
of line,
grades, &c.

SEC. 44. If any such corporation shall not, within five years after its incorporation, begin the construction of its road, and expend thereon ten per cent. on the amount of its capital, and finish the road and put it in full operation in ten years thereafter, its act of incorporation shall become void. Incorporation
void in
case, &c.

SEC. 45. *All existing railroad corporations within this State shall respectively have and possess all the powers and privileges, and be subject to all the duties, and liabilities and provisions contained in this act, so far as they shall be applicable to their present conditions, and not inconsistent with their several charters, and all railroad companies that are now constructing their roads may acquire title to lands necessary for that purpose, under the provisions of this act.* Existing
corporations
subject to
this act.

SEC. 46. This act shall take effect and be in force from and after its passage.

APPROVED November 5, 1849.

ADDITIONAL GENERAL RAILROAD LAW.

APPROVED NOVEMBER 6, 1849.

AN ACT

Supplemental to an act, entitled "An act to provide for a general system of railroad incorporations."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly,* That whenever the citizens of any city or county of this State are desirous that said city or county should subscribe for stock in any railroad company, already organized or incorporated, or hereafter to be organized or incorporated, under any law of this State, such city or county may, and are hereby authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of said cities or counties; and the stock so subscribed for or purchased shall be under the control of the county court of the county, or common council of the city making such subscription or purchase, in all respects as stock owned by individuals. Stock may be subscribed by city or county.

SEC. 2. That, for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at a rate not exceeding ten per cent. per annum, and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal; or, if the said judges or common council shall deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscription to be drawn for that purpose, in sums not less than fifty dollars, bearing interest not exceeding ten per cent. per annum: *Provided,* That no bond shall be paid out at a rate less than par value. City or county may borrow money and issue bonds.

SEC. 3. The railroad companies *already organized or incorporated*, Bonds receivable. or hereafter to be organized or incorporated under the laws of this State, are hereby authorized to receive the bonds of any county or city, becoming subscribers to the capital stock of such company, at par, and in lieu of cash, *and to issue their bonds, bearing interest not exceeding ten per centum per annum, for any moneys by them borrowed for the construction of their railroad and fixtures, or for the purchase of engines and cars, and, for such purpose, may dispose of any bonds by them received as aforesaid.* Power to issue bonds.

SEC. 4. No subscription shall be made, or purchase, or bond Vote to be taken, and how done. issued, by any county or city, under the provisions of this act, whereby any debt shall be created by said judges of the county court of any county, or by the common council of any city, to pay any such subscription, unless a majority of the qualified voters of such county or city, (taking, as a standard, the number of votes thrown at the last general election, previous to the vote had upon the question of subscription, under this act, for county officers) shall vote for the same; and the judges of the county court of any county, or the common council of any city, desiring to take stock as aforesaid, shall give at least thirty days' notice, in the same manner as notices are given for election of State and county officers in said counties, requiring said electors of said counties or said cities, to vote upon the day named in such notices, at their usual place of voting, for or against the subscription for said capital stock, which they may propose to make; and said notices shall specify the company in which stock is proposed to be subscribed, the amount which it is proposed to take, and the time which the bonds proposed to be issued are to run, and the interest which said bonds are to bear; or, in case it is proposed to borrow money to pay such subscription, then the notices shall state the terms upon which such loan is to be effected; and the opinion of the electors shall be expressed upon their ballots, "for subscription," or, "against subscription," and counted and returned by the judges and clerks of elections, as in other cases; and if a majority of the voters of said county or city, assuming the standard aforesaid, shall be in favor of the same, such authorized subscription or purchase, or any part thereof, shall then be made by said judges or common council. In case any election had under this act is held upon a day of a general election, then the number of votes thrown at such general election for county officers

shall be the standard of the number of qualified voters as aforesaid. No bonds shall be issued under the provisions of this act, by any county or city, excepting for the amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders of said company shall be regularly assessed and made payable.

SEC. 5. This act shall take effect from and after its passage.

APPROVED November 6, 1849.

ADDITIONAL RAILROAD LAW.

APPROVED FEBRUARY 28, 1854.

AN ACT

To enable railroad companies and plank road companies to consolidate their stock.

Powers to
consolidate
property
and stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in General Assembly*, That all railroad companies and plank road companies now organized, or hereafter to be organized, which now have or hereafter may have their *termini* fixed by law, whenever their said road or roads intersect by *continuous lines*, be, and the same are hereby authorized and empowered to *consolidate* their property and stock with each other, and to consolidate with companies *out of this State*, whenever their lines connect with the lines of such companies *out of this State*.

When the
consolidation
shall
take place.

SEC. 2. Such consolidation may take place whenever the said companies shall respectively agree upon the terms and conditions of the same; and the said companies, *when so consolidated*, shall be authorized to agree upon the *name or names* of such consolidated company; and, by such name or names, the said *consolidated company* shall be a body corporate and politic, shall have a common seal or seals, and by such name or names shall be respectively contracted with, and make contracts, shall sue and be sued, implead and

Corporate
NAME of the
consolidated
company.

be impleaded with, and shall have all the powers, franchises and immunities which the said respective companies shall have, by virtue of the respective *charters*, before such consolidation, passed (pos-
Powers of the consolidated company.
 sessed) within the State of Illinois: *Provided*, that each consolidated
Proviso.
 company shall file for record, in the office of the Secretary of State, a copy of their said articles of consolidation, evidenced by the signature of the presiding officer of each of the said companies, and the corporate seal thereof.

SEC. 3. The corporation or corporations, *formed by virtue of the provisions of this act*, shall have power to increase their capital stock
Power to increase capital stock.
 to any amount required, by resolution of their respective BOARDS OF DIRECTORS, not exceeding the amount of the cost of the roads and works constructed and equipped by them, to borrow money, and fix
Power to borrow money, to fix the rate of interest, to issue bonds, and to sell the same.
 the rate of interest therefor, to issue bonds, and the same to sell *at such price as they may deem expedient*, such sales being hereby authorized and confirmed, and to make any other contracts authorized by the by-laws of the said corporation or corporations, within the purview of their said charters.

SEC. 4. Such corporation or corporations, when so formed, shall have the same power to consolidate with other companies when
Power to consolidate.
 their lines connect, upon such terms as may be agreed upon by them respectively.

SEC. 5. No company in this State shall be authorized, under the provisions of this act, to consolidate with any company beyond the
Termini to be fixed.
 limits of the State, until the *termini* of such company in this State shall first have been fixed by the laws of this State at the boundary line thereof.

SEC. 6. This act shall not be so construed as to authorize any plank road, not having power to build a railroad, to consolidate with
Plank roads not to consolidate with railroads.
 any railroad, so as to lay a railroad upon any plank road track, until the *termini* of such railroad shall have been expressly fixed by law; nor shall any plank road so consolidate with any railroad, *unless authorized by law to lay a railroad track*.

SEC. 7. All proceedings for the purpose of consolidation, as above provided, shall be fixed and regulated by the by-laws of the
Consolidation not to take place without approval of a majority in interest of stockholders.
 respective companies desiring such consolidation: *Provided*, That such consolidation shall not take place until the terms of such consolidation shall have been approved by a majority of the stockholders in interest, in person or by proxy, at an annual or called meeting,

of which due notice shall be given, by publication or in writing, to all stockholders interested, or the same be approved by the *written consent* of a majority of the stockholders in interest, filed in the office of their company.

Railroad
crossings.

SEC. 8. When it shall be necessary for the construction of any railroad to cross the track of any other railroad, stream of water, water-course, road or highway, which it may intersect or cross, by reason of such extension into or through any adjoining State, or by reason of its consolidation with any other road or roads, company or companies, as provided in this act, it shall be lawful for said company to construct their road across or over the same, by such track or tracks, bridge or bridges, viaduct or viaducts, as may be necessary to the convenience of the extension or consolidation of said road: *Provided*, said company shall restore the railroad, stream of water, water-course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not materially to interfere with its usefulness.

Proviso.

SEC. 9. This act shall take effect from and after its passage.

APPROVED February 28th, 1854.

ADDITIONAL RAILROAD LAW.

APPROVED MARCH 1, 1854.

A N A C T

To facilitate the Construction of Railroads.

SECTION 1. *Be it enacted by the people of the State of Illinois,* Bonds of cities and counties, when to be delivered.
represented in the General Assembly: That any city or county in this State, which, under the provisions of an act, entitled "An act supplemental to an act entitled "*An act to provide for a general system of railroad incorporations,*" approved November 5th, 1849, has heretofore subscribed, or may hereafter subscribe for stock in any railroad company, payable in the bonds of said city or county, it shall be lawful for the city council of such city, or the judges of such county, and they are hereby authorized and empowered to issue and deliver to such railroad company, the whole or any portion of the bonds of such city or county, payable on such subscription, at any time hereafter *when, in their opinion, the interests of such city or county will be promoted thereby,* whether the assessments upon the stockholders of said company have been regularly assessed and made payable or not.

SEC. 2. This act shall take effect and be in force from and after its passage.

APPROVED March 1st, 1854.

ADDITIONAL RAILROAD LAW.

APPROVED FEBRUARY 12, 1855.

An Act to enable Railroad Companies to enter into operative contracts and to borrow money.

Power to
make con-
tracts.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That all railroad companies incorporated or organized under, or which may be incorporated or organized under the authority of the laws of this State, shall have power to make such contracts and arrangements with each other, and with railroad corporations of other States, for leasing or running their roads, or any part thereof, and also to contract for and hold in fee simple or otherwise, lands or buildings, in this or other States for depot purposes; and also to purchase and hold such personal property as shall be necessary and convenient for carrying into effect the object of this act.

Right to
connect.

SEC. 2. All railroad companies incorporated or organized, or which may be incorporated or organized as aforesaid, shall have the right of connecting with each other, and with the railroads of other States, on such terms as shall be mutually agreed upon by the companies interested in such connections.

Power to
borrow mo-
ney.

SEC. 3. Every railroad incorporated or organized, or which may hereafter be incorporated or organized under the authority of the laws of this State, shall have power to borrow such sums of money from time to time as may, in the opinion of the directors, or a majority of them, be necessary for constructing, completing or operating their railroad, or for aiding in the construction or operating any connecting railroad, whether within or without this State; and may issue and dispose of their bonds or obligations for any amount so borrowed; and may mortgage all or any portion of their property and franchises, to secure the payment of any debt con-

May issue
bonds.

tracted by the company for the purpose aforesaid; and such company may sell their bonds or obligations, either within or without the State, at such rates and prices as the directors of the company, or a majority of them, may sanction and determine; and said sales shall be as valid and obligatory upon the company for the full amount of the bonds or obligations sold, as if such bonds or obligations were sold at par value; and all such bonds or obligations may be made convertible into stock, at such times and upon such terms as the directors may determine.

APPROVED February 12, 1855.

A N A C T

To amend an act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849.

SECTION 1. *Be it enacted by the people of the State of Illinois,* ^{Act of November 5th, 1849, amended.} *represented in the General Assembly:* That the fourteenth section of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, shall be amended by adding the following provision thereto, viz: "*Provided*, that none of the provision of this section shall hereafter be applicable to such railroad companies as have organized under this law, until the same provisions shall be applied to the Central Railroad Company, and to all other railroad companies incorporated under this act."

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED February 13, 1857.

LAW RELATIVE TO RIGHT OF WAY.

AN ACT

To amend the law condemning the right of way for purposes of internal improvement.

Petition to
be filed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any public road, railroad, plank road, turnpike road, canal, or other public work, shall have been located by any officer or agent of the State, or of any county, or any person, or corporation vested with power to take and apply private property in the construction or use of such road, canal, or other work, or for any purpose connected with the same, such as constructing bridges, dams, locks, embankments, excavations, spoil-banks, turn outs, depots, engine-houses, shops, turn tables, boat-yards, wharfs, or docks, and the right or title to property required for any such uses or purposes cannot be obtained by purchase, a petition shall be filed in the clerk's office of the circuit court of each county through which the location aforesaid is made, setting forth by reference the authority to construct the work and the right to take and apply private property, and if the right of way only is desired, describing by its numbers, or other appropriate description, each lot or parcel of land over or across which such right is desired ; or if property is required for all or any of the other purposes herein specified, stating such purpose, and describing the property so required ; and in either or both cases, stating the names of all persons interested as owners or otherwise, in the property to be affected, if known, or if not known, stating that fact, and requesting such court to cause to be ascertained the compensation to be made to each owner of, or person interested in, property required as aforesaid, and upon payment thereof, to require a conveyance or release of the same, or that by an order or orders of court, the right and titled be invested in the State, county, corporation, or other person

Compensa-
tion to be
ascertained.

in whose name or behalf the petition is filed, to be applied and used for the purposes stated in the petition.

SEC. 2. Upon the filing of the petition aforesaid, and giving the persons interested in the property required, reasonable notice thereof, and of the time and place of making the application herein provided for, the petitioner in person, or by attorney, may apply to the judge of said court, or to the judge of the county court, or either of the associate justices of the last named court, to appoint commissioners to fix the compensation to be made to the parties interested as aforesaid, for the right of way over or across land, and for land acquired for any of the other purposes herein expressed, as well as to assess the damages which may result from the construction and use of the road, canal, or other contemplated work; upon the hearing of which application, and each of the parties notified as aforesaid, as well as those not notified, who may appear, the said judge, or associate justices, shall select and appoint three disinterested freeholders of the county, commissioners, to fix compensation and assess damages, according to the prayer of the petition; and, also, to fix the time and place of their first meeting: And upon notice given as aforesaid, from time to time, or the appearance of parties without notice, the same or other commissioners shall be appointed to act with reference to parties, as they are notified, or appear as aforesaid, until action shall be had with reference to all parties and matters named in the petition: *Provided*, That reasonable notice of the time and place of making applications for the appointment of commissioners, shall be five days, and one day in addition for every twenty miles travel from the residence of the party to the place of making application.

Application
to appoint
commission-
ers.

Three com-
missioners
to be ap-
pointed.

Notice to be
given.

SEC. 3. Notices of the filing petitions and making applications for the appointment of commissioners, in respect to lands owned in whole or in part by infants, shall be served on the guardian; or if they have no guardian, on the infants and persons with whom they reside: And with respect to lands owned as aforesaid, by idiots, lunatics, or distracted persons, on the conservator, if they have any; if not, then on the person under whose care or charge they may be found: And with respect to lands owned by *femmes covert*, on the husbands, as well as the owner: And notices to non-residents of the county, and persons whose names are unknown, shall be published in some public newspaper, published in the county, if any, or if not,

Notice, how
to be served.

Right of
way grant-
ed.

in the nearest paper to such county, for three weeks in succession, before the day of making the application aforesaid: And notices so served or published, shall be sufficient to authorize the appointment and action of the commissioners as herein provided for: *Provided*, If such railroad, or other public work shall be located on land, the property of the State, the right of way, not exceeding one hundred feet in width, is hereby granted to such company, corporation or individual.

When com-
missioners
may be ap-
pointed, and
how.

SEC. 4. Commissioners may be appointed in term time by the circuit court, or in vacation, by the judges or justices aforesaid, upon the service or publication of notice being proved by affidavits, to be filed and constitute a part of the record of the proceedings: Upon applications for appointment in vacation, copies of the petition, filed as aforesaid, shall be used, and the order of the judge or justices shall be indorsed thereon, and the same delivered to the commissioners, to guide them in their action, and show the extent of their authority.

Commis-
sioners to be
sworn.

SEC. 5. Commissioners appointed as aforesaid shall be sworn before some officer having power to administer oaths, "to faithfully and impartially execute the duties required of them, according to their best judgment and understanding, and to make all their estimates and assessments according to law." And upon being sworn as aforesaid, they shall meet at the time and place fixed by the court, or judge, or justices aforesaid, and proceed without delay, upon view and inspection of the premises, as well as upon hearing the allegations and testimony of the parties interested, to fix the compensation to be made to each party or owner of lands to be taken and used as the way on which the road, canal or other work, shall be constructed and pass; also, for lands taken and used for any of the other purposes specified in this act; and also estimate and assess the damages sustained by any person or persons, by reason of the construction and use of the work specified in the petition, taking into consideration and estimating the benefits and advantages to the parties resulting from the construction and use of the road, canal, or other improvement: *Provided*, The said commissioners shall not estimate any benefits or advantages which may accrue to lands affected in common with adjoining lands, on which such road, or canal, or other work, does not pass.

Shall assess
damages.

SEC. 6. The commissioners shall, from time to time, as they

make decisions with reference to lands embraced in their appointment, make reports in writing, stating, separately, the compensation to be paid for the right of way over or upon each lot of land; the compensation to be paid for each lot of land required for any other purpose; and the damage allowed to each owner or party, by reason of the construction and use of the improvement and work as aforesaid; a copy of each report so made, shall be delivered to each of the parties interested, if requested, and the original, with a copy of the order of appointment, shall be filed with the clerk of the court in which the proceeding is had.

SEC. 7. Upon the making and filing any report as aforesaid, any party interested may appeal from the decision of the commissioners to the circuit court, as hereinafter provided; but if no appeal is taken, the decisions, estimates, and assessments, as reported, shall be conclusive upon the parties; and the right and title of that part of each lot or parcel of land, required as aforesaid, in respect to which no compensation is allowed or damages assessed, shall vest in the State, county, corporation or person, in whose behalf the proceeding is had, with the right to enter upon, and use, and apply the same, according to the prayer of the petition and right of the case; and the right and title to that part of each tract of land required, in respect to which compensation and damages, so fixed or assessed, with the right to enter upon, and use, and apply the same, for the purposes stated in the petition.

SEC. 8. Payments of compensation and damages estimated and assessed as aforesaid may be made, first, to parties laboring under no disability, who are entitled to the land; second, to guardians of infants, husbands or trustees of *femmes covert*; third, to conservators of insane persons; and a receipt for such payments shall operate as a confirmation of the action of the commissioners, and shall stop the parties in interest from all further claims or proceedings in the premises: Payments to parties residing in the State, but not in the county, including infants who have no guardian, and insane persons who have no conservator, shall be made by depositing the money with the clerk of the court in which the proceeding is had; and payments to parties residing out of the State, and persons whose names are unknown, shall be made by depositing the money in the treasury of the proper county where the land lies; and the receipt of parties entitled to money deposited as aforesaid, shall operate in

like manner as receipts for money paid to parties as herein provided : *Provided*, That if any person shall refuse to receive money when tendered, payment may, in such case, be made by depositing the amount in the county treasury aforesaid.

Appeal bond
to be filed.

SEC. 9. Parties desiring to appeal from decisions, estimates, and assessments, or either, of commissioners, shall, within ten days after being notified of the filing of the report with the clerk, execute and file an appeal bond with said clerk, payable to the people of the State, for the use of all parties interested in the condition : in which bond the action or proceeding appealed from shall be recited, with conditions, in case the appeal is taken in behalf of the petitioner, for the due and speedy prosecution of the appeal, and that he or they will pay whatever may be required by any decision, order or judgment of the court, and comply with and conform to such decision, order or judgment ; and in case the appeal is taken by any other party, with condition that the appeal shall be prosecuted without delay ; and in case the decision, estimate, or assessment, as the case may be, shall be affirmed or not increased, that the appellant will pay the costs of the appeal, and of the subsequent proceedings therein, if adjudged so to do by the court ; a bond executed and filed by responsible securities, without the name or signature of the party appealing, shall be obligatory and sufficient ; and it shall not be necessary to insert any penalty in any such bond, but the party or parties executing the same shall be liable, upon the breach, to pay the full amount which any party interested in the condition, is, or may be, entitled to in the premises.

Who may
take appeal.

SEC. 10. Appeals may be taken and prosecuted by husbands or trustees of *femmes covert*, guardians of infants, and conservators of insane persons ; and in cases where infants have no guardian, and insane persons no conservator, appeals may be taken by the friends of such parties.

How notice
shall be given.

SEC. 11. Notices to parties of the filing reports of commissioners shall be given as is required in respect to applications for the appointment of commissioners ; and notices of appeals shall be given by the service of summons, as in cases of appeal from judgment of justices of the peace : *Provided*, That non-residents of the State, and persons whose names are unknown, may be notified by publishing notice as is required in respect to proceedings in chancery against non-residents.

SEC. 12. The entering upon, taking possession of, and applying property, with reference to which commissioners have reported as aforesaid, shall not be hindered, prevented, or delayed, by the prosecution of any appeal, provided the corporation, or person interested in the work, or any responsible person in their behalf, will execute and file a bond with the clerk of the court in which the appeal is pending, binding the persons executing the same, to pay whatever amount may be required by the order or judgment of the court in said appeal cause; and also comply with, or conform to, any rule or order that the court may make in relation to the matter in controversy.

SEC. 13. Appeals prosecuted under the provisions of this act, shall be docketed by the clerk after the people's causes, and shall be tried without delay, as soon as reached on the docket, unless continued for good cause, or by consent.

SEC. 14. Appeals shall bring before the court the questions decided or reported on by the commissioners in respect to the parties to the appeal; and unless the parties otherwise agree, the said questions shall be submitted to and tried by a jury, as other appeal cases: the jury to swear "well and truly to try the cause, and in fixing compensation, or assessing damages, they will be governed by the provisions of the law under which the trial is had;" the jury shall find and state the amount, if any thing, which shall be paid as compensation for right of way: the amount, if anything, to be paid for lands required for any other purpose, and the amount, if anything, assessed or allowed as damages; making the verdict conform to the questions and facts in the case. Verdicts may be rendered in writing, or stated orally in the court; and the court shall in all cases require the verdict to be recorded in such form as to express truly and fully the finding of the jury.

SEC. 15. Upon verdicts rendered by juries, judgments shall be entered, declaring that upon the payment of compensation and damages, or either, as the case may be, that the right and title to the same, for which the compensation is to be made, or on account of which damages are allowed, shall vest in the State, county, corporation, or person, petitioning as aforesaid, with the right to enter upon, use and apply the same for the purposes stated in the petition; or, if the verdict is, that no compensation shall be made in money, or damages be allowed in the premises, the like judgment shall be

entered; and verdicts and judgments entered as aforesaid, shall be final and conclusive between the parties.

How pay-
ment to be
made.

SEC. 16. Payments of judgments entered upon verdicts may be made, and to have like force and effect, as provided for in section eighth hereof, or payments may be made in reference to either party.

Amend-
ments per-
mitted.

SEC. 17. In appeal cases, courts shall permit amendments to papers, records, bonds, and the execution of new bonds, whenever necessary to a fair trial and final determination of the questions involved; courts shall also have power to make any and all rules and orders necessary to notify parties of the proceedings, and to issue all process necessary to the execution of orders and judgments, as they may be entered.

Costs, how
to be paid.

SEC. 18. The costs of all proceedings under this act, except such as arise or grow out of appeals, shall be paid by the petitioners, and costs of appeals shall be paid as the court may direct; any two of the three commissioners may act and execute any or all of the duties required; they shall have power to swear or affirm witnesses who may be brought before them; also, to issue summons for witnesses, and by compulsory process compel their attendance; they shall also have power to adjourn from day to day, or from one day to any succeeding day, not exceeding five, until they shall have determined and reported upon all the cases embraced in their appointment; and two dollars per day shall be paid to each for his services.

To whom
this act is
available.

SEC. 19. All corporations heretofore created by special charter of incorporation or under the general law, when their *termini* have been fixed by the Legislature, and none others, may avail themselves of this act.

Estimates,
how to be
made.

SEC. 20. Estimates of compensation, and assessments of damages, under the provisions of this act, shall be made with reference to the land or property affected, and payable to the real person entitled to the same, whether a party to the proceeding or not.

SEC. 21. This act shall take effect and be in force from and after its passage.

SIDNEY BREESE,

Speaker of the House of Representatives.

WM. M'MURTRY,

Speaker of the Senate.

APPROVED June 22, 1852.

AUGUSTUS C. FRENCH.

UNITED STATES OF AMERICA, } ss.
STATE OF ILLINOIS.

I, DAVID L. GREGG, Secretary of State, of the said State of Illinois, do hereby certify, that the foregoing is a true copy of the enrolled law now on file in my office.

In testimony whereof, I have hereunto set my hand, and affixed the great seal of State, at Springfield, this twenty-second day of June,
[L. s.] A. D. 1852.

DAVID L. GREGG, *Secretary of State.*

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